

THOUGHTS
AFIELD



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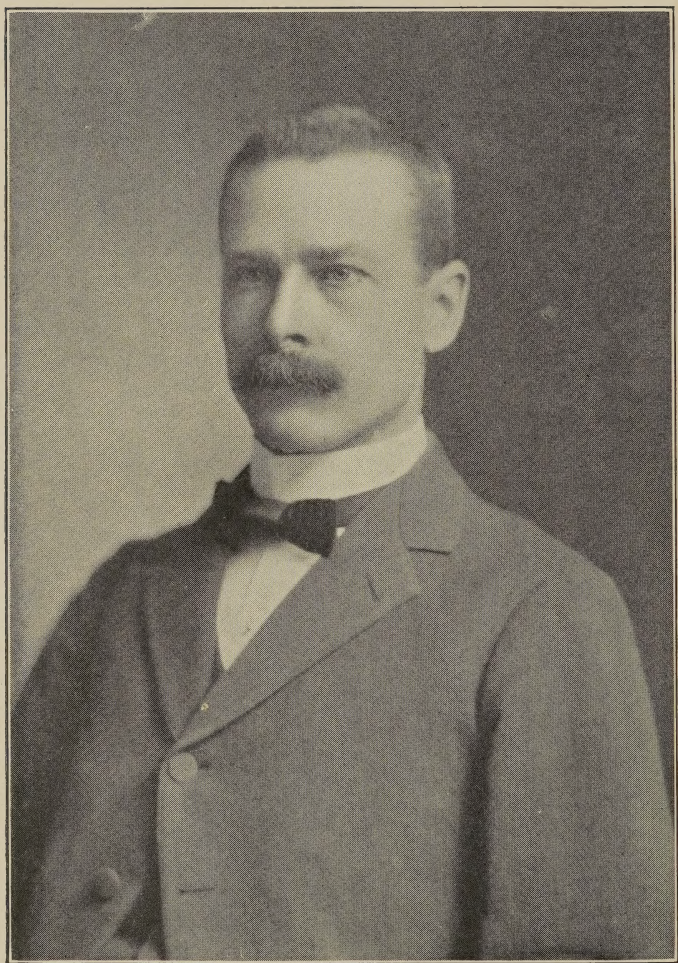
To

Mr. & Mrs. John C. Mallery

In token of deep and
lasting friendship and in
remembrance of mutual
strivings in the laying of
foundations of community
and State - this book is
gratefully tendered by

W. E. D. D.

Christmas, 1911.



W. E. Bruce

THOUGHTS AFIELD

COMPRISING

*Papers, Addresses, Contributions,
Communications, Etc.*

UPON

*Historical, Political, Legal,
Commercial and Miscellaneous
Subjects*

BY

Charles Edmund DeLand

Hipple Printing Co., Pierre, S. D.

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PREFACE

There can be no warrant for presuming to publish this book unless, in the view of that very limited number who may see fit to look into its contents something may be found within its covers which might in some measure compensate for the time and pains of the perusal.

This thought has raised in the author's mind such apprehension as to cause repeated hesitation in coming to the resolve resulting in taking that step. With a perfect understanding that the margin for the presumption is so narrow as is not unlikely to prove ineffectual for a bare footing, the hardihood entering into the venture, and which is seen to be in need of still further explanation, is something of a mystery to the author himself. But in casting about for a solution of the fact of hardihood, he has found within himself a desire, more or less common to the weakness of mankind, to communicate in book form to no matter how limited a public, the result of one's own reflection in certain congenial fields of adventure. In the present instance that desire may have been somewhat intensified by consideration of the fact that practically all of the fragments making up this book have been heretofore presented, by verbal or other media of communication, to audiences, club gatherings, or those who may have come in contact with some of them as press communications or papers; and that in those connections the reception has not always been so adverse as to entirely preclude the hope of some further good through their present publication.

If a specific purpose in thus presenting these materials could be defined, perhaps that of an endeavor to add in some slight degree to the sum of information pertaining to the activities and philosophies of life as affecting citizenship and government, would best express the mo-

tive of the author. Yet the thought of assuming to be instrumental to aims so important brings him back again to realize the hazard of declaring in a cause so momentous, through such poverty of means to the end. The one consolation that lends comfort to the author in contemplating complete failure in facing that hazard is, that the waste-basket of oblivion—never to be filled—is ever eagerly beckoning for victims, and that its reciprocity insures to the foolhardy aspirant an infinity of company—a numerous if motley throng in the endless procession ever being conducted, under Providence, into the Siberian exile of the empire of letters. The author wishes to thus make clear that he is not entirely unprepared for what may come in the lottery of fate, in this connection. While if in time some trifling good may follow from this publication, and that fact shall become manifest in no matter how small degree, he will feel grateful to the inevitably few who may have received some benefit from the perusal, and thankful to that Providence for the opportunity thus afforded.

Pierre, So. Dak., June, 1911.

THE AUTHOR.

PART I.

PAPERS AND ADDRESSES

UPON

HISTORICAL THEMES

ROME*

The City of the Tiber is the only one among those which have survived to modern times whose history embodies community, tribe, nation and empire under her headship in succession of King, Consular Republic, Oligarchy and Emperor. With the sword the virtual authority and ever-recurring war of orders the principle of internal strife, the genius of the Romans overrode all opposition in Italy and with rapid strides dominated the civilized world of the ages of her ascendancy, withstood, then assimilated barbarism, bringing into subjection incursionists and enemies by exercise oftentimes of that refinement of savagery which made her tactics successful; only to be dissolved as a secular world-power through her own corruption engendered by the growth of power without a balance to temper it; to be succeeded in her career of material sway by the reviving influence of Christianity whose headship she was and continues to be in the Old World, though in abeyance under the Emperors of the Eastern Empire and until Charlemagne ushered in modern history eleven hundred years ago. Her history is the essential connecting link between the ancient and the modern in government and in laws; and her laws, created in an age when political liberty was a mockery, have supplemented religion in preserving her name and her matchless influence where in their absence her fate would in all probability have been settled at the dawn of the Christian Era amid the ruins of what Julius

*Read before the Dickens Club, Pierre, S. D., March 25, 1901.

Caesar died for attempting to make into a lasting system of government and statehood.

The spectacle of Rome is that of brazen, unmanly power, majestic only when seen in a long vista of time; suffering terrible vicissitudes in countless emergencies in which right struggles at disadvantage with might; in which the pomp of power is presiding genius; in which political rights never secured safe footing in any sense, constitutional or otherwise. Her grandeur is imposed upon a background of oppression at home and abroad; her arts, beyond those involved in engineering and the refined skill of imitation, are borrowed from older schools in Greece, Egypt and Asia, or are represented by trophies of human bondage and the ordinary spoils of foreign war. In her religious aspect she takes on another character, more softened in outline, more benign in influence, and even more subtle in power. But her sway under the Popes is such tale of bloodshed, brutal power, craft and ambition as to emphasize the fact that the majesty of the pile of St. Peter's had its conception in the awful persecution of the Apostle.

But, bring what sad regretful meditations her narrative may, her experience was the essential rule by which the sons of men were guided from the ancient into the modern day, under Providence which seems to baffle scrutiny, but whose decrees when patiently studied shape the natural out of the strange. If only we could know all the evidences we could rebuild Rome, and would know why what was done was done, what undone was left undone. Towering far above all else of what we know is the fact that Roman history is the very jewel of lessons in human welfare under government, because her failures point out how success may be achieved.

The Palatine Hill where legend says Romulus built his stronghold which was the germ of Rome is the sub-

stantial center of the seven storied hills of the Eternal City, and is most prominent of them all. The Quirinal is the northern end of the group; next and easterly is the smaller mound the Viminal, to south of which and separated from it by the Suburra is the Esculine, while the Capitoline stands a little west of south from the Quirinal. The Forum extended from the Capitoline southeastward towards the southwesterly end of the Esculine and the north end of the Palatine; the Celian is southeasterly from the Palatine; the Aventine, at the southern extremity of the group, is southwest of the Palatine and farther south than the Celian. The Tiber may be said to take a course roughly stated as from north to south along the west side of the group, but at a point opposite the north end of the Quirinal is a considerable distance from it—the Campus Martius being between. There the river veers to southwest and runs against the high ridge of the Janiculum situated on the west side and upon which St. Peter's is built, thence it runs southeasterly until it almost touches the southwest end of the Capitoline, thence south until it reaches the Aventine, where it turns southwest, curving around the latter hill and onward, again turning south. Two other hills enter into the group—the little Velia between the Esculine and the Celian and which abuts against the east end of the Forum; and the Pincian Hill, to northward of the Quirinal. The general trend of the group is from north to a little west of south, while that of the river is somewhat to west of south, but nearer due south. Originally the Capitoline was called the Saturnian Hill, and the Tarpeian Hill or Rock is at the southwestern extremity.

Romulus built a wall around the Palatine. Later under Servius Tullius the Seven Hills were inclosed, the wall not embracing the Campus Martius however, while it did extend across Tiber and inclosed part of the Jani-

culum. Thenceforth and until about A. D. 271, no further wall fortifications of moment were erected, but Aurelian then built a new and more extensive one around the whole group of hills and including the Campus Martius, together with the Celian and great part of the Janiculum.

From northern Quirinal to southern Aventine is two and three-eighths miles, and from the east side of the Celian westward to the Janiculum is two and one-fourth miles, from wall to wall of Tullius; while north to south is three and one-fourth miles, from east to west the same, by the Aurelian wall.

Three prominent heights are on the Janiculum, from south to north, Mont Janiculum opposite Capitoline, Vatican Hill next and facing Campius Martius, still north Mont Marius.

The undulating plains of the Campagna skirt the hills of Rome to northeast, east and south, covering a wide expanse, dreaded for its malarial aspects which baffle science.

The races whom Romulus fought were supposed to have originally immigrated into Italy; the order of priority running from Iapygians in the southeast, to Italians or Latins and Umbro-Sabellians in the center, and ending with Etruscans in the north. The ancient seat of the Latins in Latium was on the high range of Alban Hills fifteen miles to southeast of Rome, the latter being on the frontier between Latium and Etruria; and if the legend of Romulus is credited the shepherds descended from Alba Longa and founded the village stronghold on that hill named from Pales, protectress of herds, by Rumon the running stream, whence Rome the village, and so its leader Romulus, the Man of the River. More mythical is the tale which makes Romulus and Remus the twins whose mother was slain by her father who also threw

the twins into the river from which fate miraculously rescued them, to be sacredly wolf-suckled and fed by the bird, to grow up with the shepherd on the Palatine. But the whole tragedy of Rome is in keeping with the incident of its founder killing Remus the brother and becoming all-powerful, and the fable that Mars was his sire is strangely blended with fact in the career thus begun and which to the end found the martial god her arbiter.

Romulus' ancestry is hidden in the mythology of Virgil. Eneas' flight from Troy, his marriage to Lavinia of the Latins; Evander of the Palatine aiding Eneas against Turnus, Lavinia's betrothed; the founding of Alba Longa by Eneas' son three hundred years before Romulus—all this may be fact, but goes for legend as does the whole kingly period in some degree.

That the city was founded 752 B. C. is conjecture—its beginning was certainly about that time.

Now began the wrestle for Roman supremacy among the tribes. Stubbornly fought the Sabines for the Quirinal and Capitoline Hills. Curtius' valor brought the Sabine women between the combatants in the swamp, ending in joint kingship of Roman and Sabine; the Burgesses of both tribes meeting in the east end of the valley which became the Forum, or Comitium. Etruscans on the Elia came into community for aiding Romulus. Romulus was sole ruler when the Sabine Tatius was killed; reigned thirty-seven years and was killed in the Field of Mars. The three tribes of Romans, Sabines and Etruscans, each composed of ten curia, comprised the lawmakers. The Senate advised the king, was made up of Romans and Sabines, Etruscans being then unrepresented. The Roman Legion was 3,000 foot and 300 horse. The tribal cavalry squad was a Century. Romulus dead, the Burgesses would have a king, spurned the Senatorial system of rotation in tenths; Numa the Wise

was the result. Pontiffs, Flamens, Augurs, the Vestal Virgins and that Temple of Janus whose door, closed for peace and open for war, was for ages the omen of those conditions, were his works.

The symbols of the kingship of Romulus—the axes and rods—meant power and punishment. All officials were mere commissioners of royalty. But Senate and community were consulted when weighty acts were contemplated.

Latins were overcome, Alba Longa destroyed. Subjugated tribes became Roman. The *Comitia Centuriata* gave all orders participation in government, under military standing and a property basis, meeting on the Field of Mars outside the city. Gradually that body became supreme in legislation. The *Comitia Tributa* were twenty Plebeian Tribes—four within and the rest from outside; they met in the wider or westerly end. Patricians met in the *Curia* in the *Comitium*, in the higher and narrower part of the Forum east of the Tribes' meeting place. The west end was one hundred and ninety feet, the east end one hundred, the southerly side about six hundred and thirty feet long; the line between the two meeting places was about two hundred feet from the east end, and at this line stood the famous *Rostra*; the Senate-House on the north side of the *Comitium* just across the Sacred Way, which skirted the north side.

Now, while *Tullius'* wall inclosed the Seven Hills, his *Pomerium* or sacred area (which generally encompassed the wall throughout). excluded the Capitoline and Aventine; nor was the Capitoline included in the Tribes, because it was consecrated to military and religious purposes, and the Aventine was excluded because outside of the *Pomerium*.

Tarquin the Proud assumed kingship as succeeding his father Ancus, and caused *Tullius* to be killed as

usurper. In sequence the tragedy of Lucretia the victim of Tarquin's son is enacted. L. Junius Brutus swears vengeance; Roman gates being barred to Tarquin, four times he tries to recover the throne, is vanquished at Lake Regillus where the White Horses show in legend; and for plotting his return Brutus' sons die by the father's decree. Valerius' Law gives appeal from judgments of magistrates.

Tarquin cast out, two Pretors (called Consuls in future ages) were elected by the Centuries, the Curies conferring sovereign power. A Dictator first appears eight years after the Tarquin Expulsion, or B. C. 499.

The Temple of Vesta reared by Numa north of the Palatine; the taberna on both sides of the Forum by the last Tarquin, who built the great Temple of Jupiter on the Tarpeian Rock, to which he added the Circus Maximus south of Palatine, and the Cloaca Maxima to drain the Velabrum from the Circus to the Island below the Capitoline; the Temple of Diana on the Aventine, by Tullius, and that of Castor and Pollux opposite the Rostra, commemorating Regillus,—all testify to these early years of the city.

Treaties of commerce she made with Carthage, then mistress of the Mediterranean, soon to become her victim.

Be legend what it may, history decrees that Etruscan Porsenna, despite Horatius' valor at the Gate, subdued Rome for a time, depriving her of the headship of Latium.

The Plebs secede to the Sacred Hill where Tiber and Anio join, marking the rise of the commons; the compromise is the Tribunate—no vote in the Senate, but the too-powerful veto is given the Tribune, who in time abuses it to the jeopardy of the state.

Legend still leads the way; and Coriolanus, victor

over Volscians, joins them against Rome for being exiled; but at Roman gates family ties resolve him to desert the enemy; the Temple of Woman's Fortune commemorates his capitulation. Cincinnatus, lonely Patrician among Plebs, drives out Sabines, rescues Romans from Volscian siege and imposes the Roman yoke; retiring again to his farm to show that Dictatorships make not all men ambitious for power. The repentant Fabian Gens go out to Veii to neighbor with those who finally crush them, the Patricians having rendered the Agrarian Law a dead letter to Plebeians—therefore repentance. Under Spurius Cassius' treaties with Latium and Hernicans those allies, not Rome herself, saved the city from Volscians and Equians for a century until Gauls broke into Latium; harsh conflicts demand the Decimviri, the Triumviri resulted as compromise; Grecian sources are consulted in the effort which brought forth the Ten Tables under the Council of Ten, Patricians all. Two more Tables produced by the Decimviri reflect Claudius' despotism. This fact gives way to legend in Siccius suspected by the Decimviri, his firm stand at the rock immortalizing his valor. Virginia the lovely daughter is slain by her father for fear of Claudius' lust, Rome's vengeance drives the tyrant out, the Decimviri resign in disgrace, the Tribuneship revives. The Tribes' laws now have force over the Body Politic. Orders may intermarry. The military Tribuneship lets in all orders, but Senatorial power and the Patrician Censors temper it. Plebeians gain Questorship, and time marks 421 B. C. Camillus leads Rome to destroy Veii, the Temple of Juno is raised in memoriam on Aventine. Gauls come on to Rome, sacrifice Senators in the Forum, fire and sword humble her to ashes. Spite of the fable of Camillus, history decrees the Gauls took gold and left at leisure. The legend of Manlius saving the Capitol, geese of Juno's

Temple squalking the alarm, is too sacred for molestation if evidence can dissolve it. Courage captures dismay, Rome is rebuilt—huts by mansions, streets and sewers disregarded. The poor borrow in the process, creditor grinds debtor. Manlius redeems insolvents, not without ostentation; is thrown from the Rock for accusing Senators of peculation; and fifty years more finds the Temple of Concord in the Forum by Capitoline commemorating union of the orders after fitful contest of Pleb and Patrician for judicial and legislative power and land division; that Roman Union conquers first all Italy, then all the civilized world.

Samnite Wars ensue; Rome treats with her enemy for fear of her own army of wronged Plebs, and of Latins who compose half of it; Rome and Samnites oppose Latins and Oscans; defeat of Latins gives play to Roman policy of neutralizing enemies' territory and that isolation of provinces which accounts for desolation of the Campagna. Then war with Greeks at Paleopolis, turned to war again with Samnites for encouraging Greeks; defeat of Samnites is followed by reverse of fortune, and the disaster and humiliation of the Caudine Forks is recorded; the resulting treaty is broken by Rome, she conquers, the Etrurians rise and are put down; Samnites acknowledge Rome; strong Roman leagues result, but the hollow peace is revealed in Rome fighting all local enemies including Samnites, who try Italian confederation in vain. Romans triumph over Samnites and Gauls at Sentinum, and the colossal Statue of Jupiter rises on Capitoline, Samnites may see it from the Alban Hills. Old Fabius leads the triumphal procession, Rome degrades herself in victory by beheading Pontius the brave.

Plebeians and Patricians may now divide Senatorial honors. Emancipated slaves and idle citizens form the Roman populace; Appius Claudius makes them his in-

strument of aggrandizement, holds power in defiance of law; builds the Appian Way from Rome through Campania to Padua and beyond; feathers the nest of power in bringing water to the poor by the Appian underground Aqueduct. The poor secede to the Janiculum, there to enact land laws and revive others giving acts of the Tribes general effect. Here end serious civil dissensions for a century and a half, till the Gracchi rise.

Then Rome triumphs over Magna Grecia whose tyrants are reinforced by Pyrrus, who sees the walls of the city, only to retire; Rome makes alliance with Carthage, Gauls defeat Greeks, and after Pyrrus treats for peace, again returns and is again defeated, he goes back to Epirus A. D. 276; his failing fortunes shown by Roman alliance with Egypt.

Etrurian Vulsinii falls, her treasures decorate Rome, which is now a Corporate body, sovereign of all Italy from Rubicon south, having thirty-three Tribes; non-tribal territories were subject, but shared not the Roman franchises. Colonies of Romans to crush out native domination, and Latin Colonies in Allied Cities with reciprocal rights constituted the Colonial system; thus was formed that fabric of Roman domination and local participation which kept her provinces and colonies to the standard of allegiance under the supreme strain of the Hannibalic invasion, soon to follow, though all southern Italy favored the invader.

Now Rome grapples with and throws down Carthage forever; in the First Punic War by destroying Carthaginian power in Sicily, the Columna Rostrata rising in the Forum to denote the end of Carthage as Mistress of the Sea, though successive fleets are storm-racked; captured elephants magnify the triumph of Metellus in the streets of Rome; Hamilcar, father of great Hannibal sues for peace. And after Rome subdues a new Gaulish invasion

and reduces the Illyrian pirates, Hannibal, whose predecessors Hasdrubal and Hamilcar, had borne down Spain and encroached upon Roman rights, faces Rome to eke out that eternal enmity towards her which he had sworn, and in the Second campaign crosses the Pyrennes, adroitly evades Scipio in Trans-alpine Gaul, goes over the Alps, sweeps down upon and conquers Cis-alpine Gaul; marches into and plunders Etruria; Flaminius who built the Flaminian Way from Rome to Ariminum, meets disaster at Hannibal's feet at Lake Trasimene; a drawn battle on the Falerian Plain is followed by disaster and awful slaughter of Romans at Cannae; Hannibal headquarters at Capua, Rome's rival, all southern Italy declares for him. But the Scipios conquer against Carthaginians in Spain, Latins and Free Towns are true to Rome, the war ends. The Second goes on and Hannibal's Macedonian alliance is powerless; Sardinia and Sicily witness its incidents, Archimedes' science aided by treason is the doom of Syracuse; and now sets in that fashion which brings the arts of Greece to adorn the personality of the Imperial City. Now Hannibal gravitates between southern Italy and Rome, whose walls he encircles, but from the Colline Gate on the north he retreats; Capua falls to Rome, the Scipios die beneath the Hasdrubals. Ship-money and the Patriotic Loan show the dilemma of Roman resources. Colonies are recreant. Hasdrubal's approach through Gaul brings great emergency which makes friends of enemies in newly-elected Consuls; Hasdrubal falls, and with his fall dies Hannibal's cause. The rising star is Scipio Africanus of those Wars who crushes Carthaginians in Spain, is Consul in defiance of law, in Africa besieges Utica, routs the allies on the Great Plains, and Carthage trembles and recalls Hannibal; Hannibal's defeat on the Plains of Zama brings Carthage

under qualified power of Rome in a peace celebrated as was no triumph before, Scipio leading up the Sacred Way. The Punic Wars end not until those of Macedonia are over, in which latter Philip of Macedon is not allowed to make alliance with Hannibal, is beaten in Thessaly, and in the hollow peace Greece is declared free by Rome, to be fettered in the sequel; war with Antiochus of Syria intervenes, Scipio Asiaticus defeats him and spoils of the East are brought to Rome; the descent to corruption in manners progresses; northern Italy is again and more effectually subdued; the Macedonian Wars are resumed, the great contest at Pydna makes Greece tributary to Rome; greatest of all triumphs is seen in her avenues, treasures of art from Hellenic regions decorate her halls and streets, insolence of power tyrannizes over Greece, Roman dishonor adds double dealing with Rhodians; corruption of the times clears Galba from accusation of treachery in Spain; the last Macedonian and Grecian Wars find Corinth fallen, Greece become the Roman Achaia. The Third Punic War opens with Cato's "*delenda est Carthago*;" envoys with submissive words are followed by Carthaginian hostages, her arms are given up, the decree issues for her destruction; the African city rises in desperation for a last stand, but she falls under Scipio in B. C. 490, and Rome rises superior to all her foes.

Literature in Ennius' Annals; in the plays of Greek tragedies and comedies with whose translation the coarse Plautus and the polished Terrence are connected; in satirical poetry in Lucilius and the more immortal flights of Horace and Juvenal; recreation in gladiatorial or military spectacles—in games, not mental pursuits; and in oratory as the instrument of public denunciation and indictment, degenerating into abuse under demagogues later on—these are signs of Rome's growth in

succeeding centuries; they foreshadow her ultimate decline.

Now Rome is racked over struggles against the Gracchi who seek to enlarge land rights; Gracchus is killed, his body thrown into the Tiber; the corrupt Carbo heads the popular party, Scipio the Younger (Africanus) is with the Senate against him; Scipio, for conserving Latin and Italian land claims against forfeitures of agrarian commissioners, dies by Carbo's hand. Oligarchy struggles with Democracy. Latin strangers are driven from the city, the proposal to extend the franchise to them meets protest even by the Tribes. Then Caius Gracchus, son of murdered Tiberius and the great Cornelia defies the Senate, extends the people's rights, is Tribune, and unlawfully re-elected, and in vain tries for the Senate; under leadership of L. Junius Brutus the disgraceful mob dispatches Gracchus and his co-worker for popular rights, Flaccus; red with blood is the Tiber in the Gracchian massacre. And here it is that Roman irony finds expression in the Temple of Concord! Carbo suicides, indicted for his wrongs.

Marius, plain coarse-mannered warrior, hater of Greek learning, appears; his wife is Caesar's aunt; the electorate make him Consul; in Africa, seconded by Sylla's cavalry, he supercedes that Metellus whose lieutenant he was in fighting Jugurtha; seizes Jugurtha at the Moorish capital to be exhibited in triumph and to die in a Roman dungeon. Marius, virtual head of the Oligarchy fast growing corrupt, opposed by the Senate, Scaurus and the Scevolas of Gracchian fame, becomes by force of circumstances the unwilling instrument of law and order in putting down insurgent forces. Demagogues dominate the stage; fraud and murder run riot in the Assembly; Metellus recalled from exile at Rhodes, re-enters Rome in triumph, wounding Marius' spirit;

Sylla, not Metellus who would go, is sent to Asia against Mithridates. The judicial power, buffeted about between Triumvirs, Consuls, Equestrian Knights and Senators, suffers in the exercise.

Again the throne of power is menaced by the Social War, ending in partial extension of rights to Italians, but refusing new Tribal representation at Rome.

Then came the dread Civil Wars preceding the reign of Caesar. By force Marius becomes commander in the Mithridatic War; Sylla, victor over Samnium in the Social War, refuses to give up command, enters and drives Marius out of Rome, but fear of his soldiers ends in Octavius and Cinna being made Consuls; Sylla, impeached by Cinna for bringing troops to Rome, takes them to Greece; Cinna heads the popular party in Marius' fugitive absence, is driven from the city and disgraced for opposing daggers to the veto power, interposed against extending Tribal rights to Italians; forms a great party of Rome's enemies, and with Old Marius now returned, besieges the city; the Senate backed by Strabo is powerless, and in the capitulation which follows Cinna the unscrupulous and Marius the veneful break the promise of mercy by letting loose the spirits of plunder; butchery shows Marius as the tyrant he could be; and he dies amid those orgies which will forever give color to his name. Sylla against revolted Greeks who are supported by Mithridates, takes Athens in 88 B. C., defeats the Pontic army at Cheronea, drives to self-destruction his imagined rival Fimbria after dictating doubtful peace with the enemy, re-enters Italy against the Marion party headed by Carbo, successor to Cinna who died on an expedition against Sylla; he is reinforced by wavering soldiers and Pompey; the great temples of the Capitol are consumed by fire; Sylla's friends in Rome are massacred by order of young Marius; Sylla makes a stand at the Colline Gate

against opposing forces and the Samnites, and on his white horse, with Crassus' aid, wins victory, massacres Samnites within sound of Senate, is chief of Rome and the World of her possessions. Revenge destroys Old Marius' trophies on the Capitol. Cataline courts the tyrant's favor; the Proscription ends the reign of terror, long extended to countless victims. No executive government existed; Sylla's power is dictatorial and expressly unlimited by form of law. He reduces the Tribunate to a mere puppet, recasts the Senate to favoritism and judicial tyranny, the state is confirmed as virtual Oligarchy. Caesar alone defies him by refusing to divorce his wife of Marian extraction. Sylla, knowing no one will accuse, resigns Dictatorship, challenges complaint, retires to ease at Naples, dies in debauchery. Catulus and Pompey contest with Lepidus for supremacy. The Gladiatorial War sees Spartacus fought by Crassus and Pompey; triumphs follow their victories, they break Sylla's law in becoming candidates for Consulships. The mixed jury of one-third from Senate, Knights, and Tribunes of the Treasury is the Cotta Law, which again deprived the Senate of judicial power—Pompey's stroke of policy. Lucullus in Asia exalts Roman power, conquering Mithridates and the East to the Euphrates, Pompey, given dictatorial power to clear the Mediterranean of pirates, wins fame, and Cicero's oration makes him Dictator of the East. Then Lucullus for Senate, Pompey for people, strive for military supremacy in the East. Caesar, rising to prominence, fearlessly indicts Dolabella for extortion; the trophies of Marius are restored by his influence. Cataline, open-handed but bloody, escapes conviction for conspiracy to murder Consuls-elect who accuse the guilty Autronius, his friend, of bribery. Cicero is Consul against Cataline who is feared by the Senate. Old Rabirius, indicted for slaying a Tribune by direction of the Senate in Marius'

time, is convicted; Cicero's eloquence aided by a military alarm clears him on appeal, but Caesar's point of humbling the Senate is made, and his power with the people is seen in his election as Pontifex. Cataline's second conspiracy, to kill Cicero and fire the city is nipped in the bud, he dies battling with the insurgents against Rome. Pompey, returning from the East, is jealous of Caesar's growth. Caesar resigns Pretorship, borrows from Crassus and becomes Pro-Pretor for Spain. Pompey opposed by Tribunes, is equivocal in his stand, Crassus is ambitious to out-rival him. Caesar, victorious, returns from Spain, stands for the Consulship; the First Triumvirate in himself, Crassus and Pompey is formed. Caesar's Consular colleague Bibulus prohibits Senatorial meetings when the Agrarian law is promoted by Caesar for his soldiers' sake; Caesar carries it in the Tribuneate, Cato opposing; secures a long lease of military power, the Senate enlarging it to get him away into Gaul. Then comes the incident of Appius Clodius and the Bona Dea, and Caesar divorces Pompeia. Cicero clears his colleague impeached by Clodius, Caesar approves a law making Clodius a Plebeian that he might as Tribune seek revenge on Cicero; the latter declines office under Caesar and goes into exile. Cato, who had secured Cataline's conviction, is sent to govern the now annexed Cyprus—so the Senate is without leaders as Caesar departs for Gaul; the corrupt and savage Clodius is chief at Rome, Crassus and Pompey not interfering. Caesar is conqueror everywhere in Gaul, raising legions without authority; at Lucca south of the Alps he holds levees with Senators and Triumvirs. The tide favors Cicero, he is recalled in spite of Clodius' bloody fight in the Forum. Cicero prosecutes, Cato defends Clodius. Pompey and Crassus stand for Consulship against Domitius of the Senate, they assume the Consulship, backed by the military, and another distri-

bution of territory is made between the Triumvirs, force preventing Cato's veto. Pompey's Theatre of stone is erected. Cicero, disgusted with lawless Senatorial chiefs, wavers and joins the Triumvirate. Crassus is killed in Syria. Caesar's third campaign involves invasion of Britain and final conquest of Gaul. Corruption reigns at Rome with Pompey and the Senate against Clodius, who is killed by Milo's party, Milo fleeing to escape punishment. The Second Civil War results from Pompey's breaking with Caesar. Curio, secretly against the Senate is made Tribune by Senatorial influence, Caesar being behind the movement, and his policy is seen in his offer to resign military power if Pompey does likewise. Antony, who had stood for the Augurate, now flees from danger, Caesar being outlawed and dictatorial power being conferred upon Consuls. Caesar deliberates, crosses the Rubicon, all northern Italy adheres to him, Corfinium falls to him, Domitius and Senators defending. His general amnesty and his humane soldiery show his genius for handling the elements of state. Pompey and the Consuls flee to Epirus. Caesar's relief and franchise laws reveal his adroit statesmanship. Cicero communicates with Pompeians, spurns Caesar's advances. Caesar and Antony join in Epirus against Pompey, and Pharsalia witnesses Pompey's defeat; Brutus is spared by Caesar. Pompey, wanderer in Asia and the Mediterranean, is killed in Egypt. Caesar campaigns in Egypt, sets up Cleopatra. Antony is Master of the Horse; Caesar victorious in Syria, returns to Rome, then goes to Africa to defeat Pompeian generals; Cato suicides at Utica. General amnesty and land donations to veterans mark Caesar's handiwork, he is again Dictator and has a Fifth Triumph. He revises Citizens' Register, enlarges the franchise in Gaul, contemplates internal improvements, and lays the foundations of the Roman Laws as they still

stand chief monument of Rome's greatness in after centuries. As Sylla maintained power by debauching the Tribunate, Caesar holds the balance by militarizing the Senate; establishes the Public Library and erects the Basilica Julia; reforms the calendar; is named Dictator and Imperator for life; people see the phantom of his kingship in his expedients of the crowned statues, the demonstrations at the Latin Festival, his thripplé but reluctant denial of the mimic crown at the Lupercalia, the foreshadowed King of the Parthians. His head is on the Republic's coins. The Populace dislike him for his favors to Provincials and his economy of corn. His impending return to the army meant, they said, monarchical power. A conspiracy to kill him found a leader in the perverted Brutus. On the Ides of March, B. C. 44, he met his tragic fate in the Senate-House, and the guilty conspirators struggle for nearly a generation among themselves and with the greedy beneficiaries over the spoils of the Roman state, the new triumvirate Octavian (Caesar's heir), Antony and Lepidus, establishing the most awful Proscription of them all, Cicero being chief among the victims; and fighting out the game of power and ambition with the Republicans under Brutus and Cassius, ended at Philippi; followed by the decisive naval contest of Actium.

We have thus brought the connected narrative down to substantially the Christian Era, to picture the great City in the men that made her. As it is a tale of struggle for temporal dominion in which the beast dominates the man, so Rome when Caesar came to reign was the embodiment of stalking, remorseless power and tyranny. The climax was not reached before Nero and his immediate successors under that Empire to which all things had pointed, had meted out the last degree of license in imperial oppression which knew no rights but by the

ruler's will, which in the abandon of recreation was not satiated till gladiatorial games were intensified by sacrifice of Christian Martyrs. And of all the landmarks of those ages the vastly huge proportions of the Colosseum, built where Nero's Lake had been, north of the Palatine and east of the Forum, whose foundations were laid by Jewish captives when Titus and Vespasian had despoiled Jerusalem, within whose walls one hundred and ten thousand might sit or stand, and wherein were gathered on the holidays the representation of all the Roman World, stood for centuries the arch-type of the colossal in Roman architecture and the ideal of her fashion and her thirst for the spectacular; its ruins yet speak her greatness while the Cross erected in its center shows her repentance for wrongs to Christian faith. Its supplement in the memorials of the Antonines is 'Titus' Arch near the east end of the Forum. The Pantheon with her marvelous columns, reared by Hadrian upon Agrippa's Temple as a base, on the eastern edge of the Campus Martius; the Tomb of Augustus, said to have dominated that region of the city, plundered by Alaric, burnt by Guiscard, then a fortress of the Colonna, its ruins a bull-ring in the eighteenth, its site a theatre then a circus in the nineteenth century; the Mausoleum of Hadrian east of the Vatican on the Janiculum Hill, the greatest tomb of all and as a monument of Rome the chief competitor of the Colosseum, became the Castle of St. Angelo under the Orsini or Guelphs who stood for the Popes, and who fought the Colonna or Ghibellines who came from the Alban Hills and were for the Emperors, in after ages,—these are some of the chief structures reared at the beginning of the Empire, to survive in some part through the Middle Ages until in the fifteenth century the foundations of St. Peter's arose upon the ruins of the Basilica of Constantine, to be completed

nearly two hundred years later, eclipsing all predecessors in Roman architecture.

But the great fire in Nero's time (A. D. 64) left but four of the fourteen Regions of Rome substantially intact. Till the end of his brief reign he rebuilt the city; civil wars followed, succeeded in turn by more building which outshone the work of Augustus' reign during which he had built the Palace of the Caesars on the Palatine. The Forums of the Caesars and of Trajan were extensions to north of the old one. The Septizoneum of Severus was reared on the southern slope of Palatine at the beginning of the third century—its seven stories of grand columns making it historic.

Christ had been born and had died upon the Cross. Rome's future was to be forever linked with Christendom. Pagan temples gradually gave way before the growth of churches; in the fifth century Theodosius ordered them destroyed, portions of them being transferred to Christian sanctuaries. Now came successive incursions by Alaric, the Vandals, Ricimier and Totilla in the fifth and sixth centuries, then by Lombards. Long before this the circus games had been shorn of gladiatorial brutality towards Christians; and now those games ceased altogether.

Rome's decline under the Caesars was checked, and new impetus given to her ascendancy in spiritual affairs in A. D. 900 by the great event of the crowning of Charlemagne as head of the Western Empire; Christianity having been formally recognized by the state under Constantine as ruler over the Roman Empire in the fourth century. Constantinople, not Rome, being the seat of the Empire, during the reign of the Byzantine Emperors, everything was done to aggrandize the Eastern city, and Rome was for ages despoiled of treasures of art for adornment of the city on the Bosphorus; but as chief of the Chris-

tian world her great landmarks were more and more venerated, cherished and protected, and, subject to the havoc of the Middle Ages among the warring factions whose struggles constituted her secular history for so long, the effort of after times to preserve her evidences of the ages of her growth in material empire, supplemented by what became in time a rage for church building inspired by her papal power, resulted in development of the Romanesque in architecture and rescue of countless ruins in all stages of incompleteness or decay. The Western Empire having in A. D. 476 been merged in or reunited with the Eastern Empire, Latin Christianity grew and Popes waxed strong under Teutonic influences in government, and Rome's power over men had not been what her sovereignty over souls now became. The Holy Roman Empire was sovereignty of Germany and Italy vested in German princes, the first of whom was Otto the Great, A. D. 962. Whereas the ancient was characterized by local laws and local gods, now in the modern time the one God and the oneness of Roman law became the rule of state development and of spiritual faith; medieval theology took form in the visible Catholic Church, whose despotism was the counterpart of the departed material sway of Rome. Popes struggled with Emperors for supremacy, both claiming right derived from divine sources. Monti or the Esculine men, backing the Ghibellines, warred with Trastevere, west of the river and south of where St. Peter's and the Vatican grew up under the Popes reinforced by the Guelphs. Clergymen, poets and painters joined in ascribing to Rome the high place of Jehovah's representative. In theory the Pope alone could confer the imperial crown. Hildebrand in the eleventh, Frederick Barbarossa in the twelfth century, had to fight Roman rabbles, the one to secure installation as spiritual, the other as temporal rul-

er; and Rome was a cluster of townlets each defended by baronial arms, for or against the papal power. The Renaissance, the new birth of spirit and learning, developed a national separation of peoples over Europe, the Popes being international judges in fact. Of this Renaissance it is said that Petrarch was the apostle, Dante the patriot, Justinian the hero. What thenceforward brought all hands to Rome was the fact that here, where the crucible of ages had worked out results, there was attraction for men of every class; and such is today that indefinable something which makes us desire to go and linger amid her monuments and drink in her infatuating spirit, and wonder at her strange, beguiling personality.

The modern city is confined principally to the area of the old Campus Martius and to the western declivities of the Quirinal, Viminal and Celian Hills and the northern side of the Palatine, and embraces the regions west of the river. Whereas in Augustus' and Vespasian's time some two million souls, including populace and slaves, made up her population, the ravages of the Middle Ages left her in the days of Rienzi in the fourteenth century with scarce twenty thousand. The barbarian Gueiscard had burned the city in 1084, which disaster followed the relentless plunder of the Eastern Emperors. From the depths which marked her own barbarism and caused her to forget her own beginnings and her dominating career, which found her Forum buried in the debris of centuries, her very streets and avenues a thing of guess, the modern awakening brought forth the more potential sway of faith, the spirit which found expression in that type of architecture of which the Basilica of St. John Lateran, on the Esquiline, "Mother and Head of all Churches of the City and of the World," is the arch-type; and the taste which fashioned the grand modern avenue of the later Rome, the Corso, leading through the Campus Martius

region from the west-northern gate or Porto del Popolo southward to where its extension connects with the Forum and beyond. It is said that the specter of grim power which marked the city before Christianity became the dominant spirit has by the softening influences of that faith transformed the atmosphere of the Eternal City into a feminine charm whose benign power is felt but cannot be expressed; that Napoleon the Great had to lean upon the arm of the Pope a century ago, and that his dream of reviving the power of empire in himself meant that Caesar was to be in him again the ruler of Europe, that this idea was embodied in the spectacle of crowning his boy King of Rome.

Rome as the seat of the papal power is still empirical over Christendom in the Catholic Church, but her reign is far less in degree of power than during the ages when headship of states was in the church and the Roman Church claimed universal temporal and spiritual power. Her rule over the States of the Church, extending from the eighth century down to 1870, was ended by restricting her jurisdiction territorially to the Vatican. The Leonine City so-called, the portion west of the river, had been the stronghold of the Pope's factions and warriors, into which many an Emperor had to make his way with soldiers before he could be crowned.

A thousand thousand treasures of art are her monuments, mostly fashioned by borrowed hands upon foreign models. Amid the wealth of her architectural works the observer sees the ruins of the ancient city towering far above the efforts of modern times—St. Peter's alone excepted. In vain one looks for her abiding institutions but in the Roman Jurisprudence, chief among whose founders was a Byzantine, not a Western Emperor. Her genius fed upon power whose exercise brought the harvest of revolt—there was no saving principle in it to the end of

human equality. Probe her foundations and find reflected in her stages of growth and decline the signs of the times—they will not fit together to make an enduring state or an orderly society. The strong hand accounts for her long career in material sovereignty. The new religion saved her to immortality which may soon show evidence of decay. For the reign of the Leos cannot long keep the pace of civilization in the coming centuries. She is a vast, beautiful, sad ruin of human effort in empire over man. Her desolation reveals that poverty in human character which proves the futility of that government whose rulers cannot govern themselves.

SPANISH COLONIAL POSSESSIONS AND POLICY*

When Ferdinand and Isabella lent unwilling but acquiescent ears to the pleas of Columbus the Genoese; when the genius of Italian seacraft and adventure arose on the wings of that fame which has outrivalled the events of recorded time; when consciousness of miraculous discovery in an unknown sphere to be reached by cutting loose from the continent of Europe and the conservatism of the past and steering due westward over seas, dawned upon the mind of that captain whose flagship was the fated *Santa Maria*, what more fitting, and yet what more ironical, than that the unpretending fleet which departed from Palos on that memorable 3d of August, 1492, should have sailed under the auspices of the headship of Spain! Her prosperity as a nation triumphant over Moorish civilization centered at Granada, her rivalries with Portugal in trade expansion, and her stately pride of domination now growing apace under the stimulus of that awakening of western Europe from the slumber succeeding the Crusades which was destined to mark a new era—these and other influences connected with her status seemed to promise success to those whose fortune secured her patronage in expeditions of distant search on a novel highway into conjectural regions of eastern Asia. It was yet to be learned, as history has all too plainly proven, that her boundless prosperity of those days, during which through efforts which were only nominally her own but really those of private and indomitable spirits, vast and unparalleled possessions in the New World and Oceanica fell into her hands, making her the very princess of fortune, meant royal and national self-

*Read, in parts, before the Dickens Club, Pierre, S. D., January 22, 1900, and thereafter.

indulgence, the false pride of power, and blighting tyranny, the guaranty of woeful failure in the end. But the impartial observer of that age, in forecasting the probable outcome of Spain's career as a builder of colonies and a promoter of civilization in Western continents, would not have guessed what that history had in store for her. Her basic laws were written in mythical song; her primary conquerors had been the classic Greek, the Phœnician of commerce, the martial Roman; her national spirit, taking form through the struggles of manifold races in the Middle Ages, was symbolized by the storied Roland and the Cid; her experiences were coeval with the rise and fall of the Roman Empire and the fall of older states in Asia and Africa, with the centuries of the Crusades, the necessities and frivolities of the feudal system and of chivalry, the clash of Cross with Crescent. The popular conception of knight-errantry abroad among her people, embodied in the fantastic literature of the times, had not yet reached that summit of the incredible which made possible the delightful but instructive ridicule of Don Quixote. Even the awful progress of the Inquisition, whose formal existence had already spanned three and one half centuries, whose inflictions in the Castillian kingdom were then at high tide, whose authority there was lodged in the kingship instead of, as elsewhere, in the Papal headship, and whose operations went on in defiance of ecclesiastical Bulls, for years thereafter—did not foretell the decline of statehood nor inspire the prophetic voice of muse or historian concerning the establishment of that system in all its vigor, in the future Kingdom of Terra Firma in America, and the ultimate and tragic loss of the American dependencies, largely by reason thereof, by the strong hand of retributive justice. To the prejudiced mind of Ferdinand and Pope Alexander alike, the due and orderly march of state develop-

ment and the welfare of civilization and of religious faith, regarded that instrument, whether wielded indirectly by a civic ruler, or directly by the Church, as an essential means to those ends. The rounding out of Spanish nationality through the conquest of the Moors gave opportunity for promotion of new-world adventures, which received special impetus through co-operation of Spanish warriors who were the flower of the age, with mariners whose skill told of the power and eminence, now gradually waning, of Venice and Genoa in navigation and resulting commerce.

But with all these circumstances, propitious in their probabilities, in her favor, the fact remains that her indifference, relieved by only occasional and fitful rallies, towards the accomplishment of the expeditions which went out under her auspices, and her lack of consistent support of them, was only outdone by her cruelty and neglect when the hour of victory of her adopted and native sons over the West Indies, of Mexico and of Peru had arrived. And when once she had comprehended the vastness of those possessions, she showed in the protection thrown around them that rapaciousness, that system of exclusive Spanish officialism which permitted no native, no true Spanish settler even, to participate in colonial government or the powers and emoluments of that church which was so much of state itself, that plan of spiritual espionage which, having its home in Europe, extended its baleful influence into the realms of New Spain, making of civil and religious liberty a mockery, and of state religion the reproach of all time to come, that thirst for gold which wrung from the hardy adventurers who seized it from first hands the lion's share, to pamper royalty and grandeeism at the shrine of lust, that abandonment of the luckless victims of Spanish invasion, the people of the colonies, to their fate amid the ambi-

tions, jealousies and supersitions of the horde who overran them solely in quest of plunder and glory—in a word, that deportment which sums up the administration of Spanish colonies through the centuries to the day of her loss of the West Indies and the Philippines as that of bigoted tyranny. Is not the bare narrative in summary form of this most unique case in the world's history sufficient to account for the revolts of the nineteenth century and the poverty of the mother country in colonial possessions today? Is not the whole story of her colonial domains and policy indicated by what occurred in the beginning, when possessions were falling to her without rivalry and almost without limit, and when her colonial system was clearly foreshadowed by reckless indifference succeeded by a gloating covetousness whose economy was devastation of wealth and repression of souls.

The story of the conquest and settlement of the Spanish America of the sixteenth century will be here rehearsed in general outline only.

Columbus' first and world-revolutionizing voyage resulted in the discovery of one of the Bahamas, San Salvador, or perhaps an island in that group to the eastward, Cuba, and Hayti; upon his second a settlement was planted in Hayti, and the southern coast of Cuba (then believed to be part of a continent) was explored; and the West Indies were substantially preempted as Spanish colonies; the third expedition saw Trinidad and the neighboring shore of South America added to previous discoveries, when the jealousies and rivalries of Spaniards took form in those chains under which the great mariner and discoverer was ignominiously sent back to the Spanish court to answer the monstrous charges which those jealousies had conjured up, and which were dissolved in the royal and popular indigna-

tion upon his arrival there. The fourth and last trip made by that intrepid and persistent spirit carried him to the shores of Honduras and Central America; and the bases from which went forth the conquerors of Mexico and Peru—Cuba and Panama,—were secured to Spanish enterprise. Cuba was colonized about 1511, and the process of colonization of Puerto Rico, Cuba and Jamaica progressed with the growth of Spanish power in the New World. Ponce de Leon, in quest of the “elixir of life” in some fancied spot among the Bahamas, came upon the Florida coast in 1512, and claimed the country for his sovereign. In 1528 Narvaez’s expedition from Cuba to the Florida country, undertaken after his appointment as Governor and with the intention of exploring its supposed wealth of resources and treasure, ended in disaster, his wanderings in the wilds of the peninsula and the mainland northward and westward resulting in the loss of nearly every man in the party after years of untold hardships, the remnant having come upon a Spanish settlement in Mexico. DeSoto in 1539 began that career of foolhardy ambition to achieve the miraculous which led him from the shores of Tampa Bay northward into unexplored territory in which he soon found, to his ultimate discomfiture and despair, that the absence of those imagined hoards of precious metals which were his real inspiration was accompanied by the presence of enemies in the form of natural obstacles of wilderness and climate, and native Indians, causing an eventual varying of his route to westward and his discovery in 1541 of the Mississippi, followed by abject suffering and diminution of ranks in an attempt to explore the country to the south and westward, ending in DeSoto’s death and burial in the Father of Waters before reaching its mouth, the survivors finally descending the river to its mouth and reaching a destination in

a Spanish Mexican settlement. Menendez in 1565 founded St. Augustine and destroyed the Huguenot settlements on the Atlantic coast of upper Florida; and after passing through various contests at arms, involving a serious campaign with the French, the Spanish claims to the Florida country were successfully asserted. It might be remarked here that the Spanish claims of territory through her possessions in the Floridas, and those put forth by virtue of her conquest of Mexico and California, embraced the whole continent to the northward, but her actual permanent settlement and reduction of territory were limited to peninsular Florida and the adjacent Gulf borders, and to Mexico and Lower California, north of Central America.

In 1513 Balboa, reinforced by the valor of a few followers, forced his way across the Swamps and over the mountains of the Isthmus in quest of countless mineral wealth and vast seas which rumor had pictured in the facile imagination of those ardent spirits as being in the regions south and west, and descended to the western coast; and upon discovering the Western Ocean he took possession of it on behalf of the King of Spain, with due formality, giving it the name of the South Sea. Jealousy on the part of a new colonial governor put an end to the intended expedition of Balboa to the southward, and the subjection of Peru was postponed to the days of Pizarro. The discovery of Mexico by Cordova in 1517, and his explorations in Yukatan were followed by the invasion of Mexico in 1519 by Cortez, the most audacious, politic and fortunate soldier who played a part in the conquests of those or any other times, ancient or modern. His audacity as well as his policy were shown in his success in playing upon the already shaken faith of the Emperor of the Aztecs, Montezuma, whose consultations of the oracle had previously led him to believe

that vital changes were impending over his destiny as a ruler, which fears had been intensified by the arrival the preceding year of Grigalva's expedition to the Mexican coast; and when he learned of Cortez's landing his attempted propitiation of the latter by bestowal of gifts was utilized to the utmost by the Spaniard in connection with his pretensions as a pre-destined conqueror. Cortez's almost incredible progress with his handful of men soon resulted in bringing within his grasp the immense treasures and the person of Montezuma, and the ultimate defeat of other native leaders let loose through the forced withdrawal of the Emperor's iron hand, and who arose from the wreck of his reign but for a brief day; during which campaign Cortez, by masterly tactics, used as his allies the ancient but lately subdued enemy of Montezuma, the Tlascalans; Mexico city falling an easy prey in the course of a siege the story of whose outcome, when viewed in the light of the amazing disparity of contending forces engaged, sounds more like the appeals to fancy in a fairy tale than sober history. In 1521 the Mexican country became a Spanish province; but it was not until a century and a half later that it became permanently subdued. Cortez headed other expeditions and invasions in Central America and Lower California, he being one of the discoverers of the latter; all of which territory, together with the West Indies and the Philippines afterwards became a part of Mexico.

Pizarro, who had accompanied Balboa across the Isthmus, and had traded with the natives in Central America, fitted out at Panama, with the aid of Diego de Almagro and other adventurers, an expedition whose objective was the land of Peru—that fabled emporium of treasures of gold and silver and seat of ancient empire, and set sail in 1524, but it failed to reach its destination; and a second expedition in 1526, for the South Seas,

resulted in discovery of Peru; whereupon he returned to Panama laden with precious metals and Peruvian textiles, bent on raising an army of invasion of that country; but failing in this at Panama, he returned to Spain in 1528, where his sovereign, Charles V, invested him with titles and with emoluments to grow out of future conquests in Peru, and again crossing the ocean he again sailed from Panama for the territories of the Incas, arriving there in 1532, and finding the country in a state of civil war between two factions the respective adherents of the sons of the late reigning Inca, he crossed the Andes to meet and overpower the stronger combatant, Alahualpa; and after executing him, Pizarro entered Cuzco, the Peruvian capital, in 1533, the booty in gold and silver and the treasures of palaces and temples there seized being the character of spoils for which the invasion was chiefly organized. Westward to the Seacoast went this bold soldier of fortune, and planned the future Lima. After the last vain struggle to recapture Cuzco by the Inca Manco was ended, Pizarro's star began to decline in the internal quarrels between himself and the generous but fiery Almagro, his rival, whose execution by Pizarro led to secret and successful plans for his assassination soon thereafter. The home government, humiliated over the pitiless excesses of Pizarro and others committed upon the native Peruvians, sent Veta to Peru in 1542 to enforce new laws calculated to ameliorate their condition, which only enraged the Spanish adventurer with Gonzalo Pizarro (brother of the conqueror) at their head, who marched upon Lima and was made Captain-General, he in turn being captured and executed by Pedro de la Gasca. Four vice-royalties of Spanish America were set up in South America in time, and various separations and detachments of territory, involving also the country farther south, took place; and the in-

evitable Castilian play in local rulership went on during that and the succeeding, and to near the end of the 18th century, without other variations than petty distractions and official substitutions; and it is worth noting that for about one hundred and fifty years after the conquest of Peru no uprising in the nature of serious revolt occurred; nor until the dawn of that spirit of revolution which, catching the inspiration of the American and French revolutions, ended in the ultimate independence of the South American-Spanish colonies.

The next great leading act upon the theatre of world-discovery, second in resplendence only to Columbus' achievements, was the renowned voyage of Magellan who, in 1520, rounded the southern extremity of South America in that quest which was really the objective of Columbus—arrival at the distant east by sailing westward from Europe. He who had first served under the Portuguese Duke of Albuquerque, and who afterwards gave his services to Spain, undertook to reach the Moluccas,—that source of the eastern spice trade which had so long stimulated the overland and Indian Ocean commerce of Venice and Genoa, and which had recently been exploited by Portugal—by sailing west from Europe and approaching Asia from the *west*; that arbiter of the fortunes of nations, the Pope (then Alexander VI), having barred Spain from enterprises in the *east*, his Bull of 1493 having divided the world into two hemispheres and decreeing that all heathen lands discovered in the western half, from the meridian of Cape Verde Islands, should belong to Spain, and the eastern half to Portugal.

Here let it be stated that, up to this time, the Cape of Good Hope, which had been first rounded by Diaz in 1486, and by which route it had been ascertained in 1497 that India could be reached by sea from Europe, had

been the great landmark by which the ocean traffic of Portugal with the Moluccas (situate in the midst of the Eastern Archipelago and between Celebes and New Guinea, and north of Australia) and other south-Asian islands had been carried on. That the problem of Magellan was, to reach that trade center by sailing constantly westward from Spain and thereby keeping within the limits laid down by the arbitrary decree of the Pope already mentioned,—for neither Pope nor mariner then knew that East India could be approached in that way, nor that the Moluccas, or the Philippines afterwards discovered, were not embraced within the territorial realm allotted to Spain. The quarrels which afterwards arose over that question are not pertinent to the purposes of this paper.

Magellan, after passing the Straits to which he gave name, underwent frightful privations in common with his crew, over which he had been obliged to exercise summary and despotic authority in order to avert fatal disaster to the expedition; and his calculations as to the distance from that point to the Asian islands were far amiss. But with a poverty of provisions, and combating adverse fortunes in sea weather, he finally and on the 16th of March, 1521, reached, not the Moluccas but the Ladrones, from whence, after a bloody contest with the natives in regaining a boat which they had stolen, he proceeded westward and passing along the north side of Mindanao island, he touched upon that country, secured supplies from the natives and continued on under the pilotage of the chief of that island, and passing between Bojol and Leyte, the expedition reached Cebu on April 7, 1521. Magellan supplemented his action already taken in claiming the Pacific islands which he had discovered, for the Spanish crown, by making a treaty with the King of Cebu under which fealty to the

Spanish crown was sworn by the native authorities. Magellan, while aiding his new allies against other tribes with whom they were at war, was mortally wounded on Magtan Island in April, 1521; Barbosa assuming command of the expedition, and he, in turn, being slain through treachery of the King of the island. Caraballo then succeeded in command, and the expedition went on to Borneo, then known in Portuguese charts; where, after seizing the son of the King of Luzon island who was at Borneo for trading purposes, as a hostage against danger to certain Spaniards in custody of the King of Borneo, and after Espinosa had supplanted Caraballo in authority, they proceeded to Tidor island, one of the Moluccas—thus proving the existence of a western route to the Spice Islands. Then the "Victoria," one of the Spanish vessels of this expedition, was sailed over the western route of the Portuguese from the Moluccas, under the captaincy of Elcano, back to Spain, in violation of the treaty of Tordesillas made upon the lines of the Pope's said decree, but for the first time accomplishing the circuit of the globe by water,—arriving at the harbor of San Lucar September 6, 1522.

The Caroline Islands in the Pacific are said to have been first discovered by the captain of a Spanish gal'con in 1686. An expedition to those islands was sent out by the Spaniards in 1721, but all of its members were massacred by the natives. The Pelew Islands were discovered by Spaniards about 1710; the landing parties however, being killed; and it was twenty-five years thereafter before those islands were again possessed under authority of Spain. Those islands, as well as the Carolines, were in time included in the Bishopric of Cebu, and were judicially subject to the supreme court of Manila. The Ladrões, so named by Legaspi, the real founder of Spanish sovereignty in the Philippines,

were named Marianas in 1668, in honor of Queen Maria Ana, and have since been known in Spain by that designation. A governor was first sent there from Mexico in 1778, but a Jesuit mission had been established in 1688. Those islands constituted a dependency of the Philippine General-Government. In 1721 two Caroline prahus drifted upon the Ladrones, and their crews were held as prisoners by the Governor, a priest being sent back with them to the Carolines; thence the priest went to Manila for a fresh expedition, but upon its landing at the Caroline Island the forces were massacred, whereupon further attempts to subdue those islands were deferred for the time. Indeed, the actual subjection of the peoples of those and the Pelew Islands by Spain was, during long periods, matter of fiction rather than of fact. As late as 1885 a demonstration by German warships in the port of Yap—one of the Carolines—by way of assertion of sovereignty as against Spain, was made, which was finally settled by arbitration of the Pope in favor of Spain.

In 1564 an expedition commanded by Legaspi, Viceroy of Mexico, set forth from Navadid, a Mexican port, under royal instructions, to conquer and Christianize the Philippines; Urdanata, an Augustine monk, who accompanied him, urging in vain that the Moluccas instead of the Philippines be made the destination, and after passing and visiting other islands, Cebu and Mindanao were visited, Cebu being occupied and sacked; the pacification of that and neighboring islands was successfully pursued, the native King accepting Christian baptism; a party of Portuguese who arrived to dispute the possession were driven out; Legaspi was made Governor-General of all lands which he might conquer, and in 1570 Cebu was declared a city. In 1570 Salcedo, Legaspi's grandson, was sent to Luzon Island to bring that terri-

tory under Spanish dominion. They were well received by the native chiefs in a progress northward in that island. A peace treaty in which tribute was agreed to be paid the Spanish sovereign was signed; but a native chief raised the war cry and, to save Manila from the invaders, he set fire to it. Batangas province was subdued, however, and included in the jurisdiction of Mindoro island. Legaspi, upon learning what had occurred in Luzon, went with other Spaniards to Cavite, thence to Manila, submission being given him by the native authorities. He declared Manila to be the capital of the Archipelago, and proclaimed sovereignty of the King of Spain over the entire group. Legaspi died August 20, 1572, and was buried in Manila. The process of acquiring territorial possession—which was apparently the principal aim of the Spanish invaders—went on. Salcedo's system was to allow the conquered lands to be governed by the native caciques, or local governors, and their male successors, but in the name of the Castilian King.

In 1596, Rodriguez, a Portuguese cavalier, after applying to the Mexican authorities for support and finally receiving a royal commission, started for and reached Mindanao island, his purpose being the subjection of that island; and the fires of Moslem hatred of the Christian were here lighted in a struggle in which Rodriguez was killed; and after repeated disaster in the attempt, the project was abandoned and the vessel returned to Cebu. Piracy was now stimulated on behalf of the alliance now formed between the Sulu and Mindanao potentates, against the Spanish throughout the archipelago; and, to borrow the language of Foreman: "For over two centuries and a half Mussulman war junks ravaged every coast of the Colony." And even in the present century Mussulmans appeared in Manila

Bay. But about 1860 piracy was, through efforts of Spanish and foreign merchants, brought to an end in those quarters, which fact redounded largely to general repose in the Colony and to advancement of civilization. Zamboango, in Mindanao, was during these struggles made the headquarters of Spanish activity, and, after Cavite, was the chief naval station. The continued campaigns between Spanish and Moslem forces in the southern part of the group was largely a religious contest. The first Royal Dispatch from the King of Spain to the Sultan of Sulu was in 1744; and in 1749 the Sultan went to Manila to seek aid of his Suzerain's delegate, the Governor-General; and was there baptized into the Christian faith and named Ferdinand I of Sulu with the title of a Spanish Lieutenant-General. And as this Sultan had been deposed by another, the attempt seems to have been made to re-establish him on the throne of Sulu, by the Spanish authorities; but when he reached Zamboango he was cast into prison by the Spaniards, upon the pretext that he had failed to surrender certain Christian captives, had written the other Sultan an alleged treasonable letter asking aid against the Spanish, and various other grounds; decrees against the Moslems were promulgated by the Governor-General at Manila, and disastrous attempts made to subjugate Sulu; a treaty of offensive and defensive alliance was signed in March, 1754, between the captive Sultan and the Spanish authorities, but as the Sultan could not enforce its provisions upon his subjects, the war was continued; in 1755 the Sultan and his chiefs were allowed to live freely in Manila after swearing to pay homage to the Governor-General and remain peaceful. In 1763, after the British occupation of Manila, the Sultan was reinstated in Sulu. Sulu town was captured in 1851 by General Urbiztondo, the Governor-General, and the Sultan fled

from that capital to Maybun, on the South Coast of Sulu Island, his future Court. In 1876 Mussulman incursions went to such length that European dominion over the Sultanate and Mindanao was, even as to mere form, severely menaced. Vice-Admiral Malcampo arrived in the waters of the Sultanate, and proceeded into the interior, hoisted the Spanish flag in several places, but gained little, the expedition being nearly a failure; in some places the flag remained until supplanted by the stars and stripes. The Sultanate of Sulu extended over Sulu and some 140 other islands, and over the whole of Mindanao island. In the latter island only small coast districts here and there were really under Spanish rule, yet Spain claimed suzerainty over all territory subject to the Sultanate, under an old treaty never strictly respected. After the Sulu war of 1876, Spanish claims were more formally admitted, and in March, 1877, a protocol signed by England and Germany recognized Spanish rights to the Tawi Tawi group (southwest from Sulu) and the entire chain of islands extending from Sulu to Borneo; with the understanding that Spain give visible proof of annexation by establishing military posts, or other occupancy, nothing being done until 1880, when rumor of Germany's projected settlement there resulted in the establishment of certain settlements and small military posts. The same year witnessed the formation of the "British North Borneo Co." (chartered 1881) in the Sultanate of Brunei, which recognized the Sultanate as suzerain. Spain protested, but could show nothing to confirm her possession. After exchange of notes between Madrid and London, Spain relinquished forever all claim to the Borneo fief of Brunei. In 1885, when the heir to the throne of the Sultanate was cited to Manila to receive investiture through the Governor-General, he refused to comply; and the Spanish offer of the Sultanate

to a chief to be elected by his people was accepted; and this Sultan was invested at Manila and took the oath of allegiance to Spain, receiving a high-sounding title and the rank of a Spanish Lieutenant-General. But the Sulu National Party took up arms against him, Spanish authority was defied in Sulu and Mindanao; a paper peace was in some way patched up, and the Spanish general returned to Manila where he was welcomed as conqueror of the Mussulman chief whom he had not even seen in the campaign—no proof being at hand as to who had signed his name to the treaty. Hostilities were resumed, and in April, 1887, the Sulu capital, Maybun, was demolished and a decisive Spanish victory gained over the Sulu National Party.

While half of the Philippine Archipelago remained, at the downfall of Manila after the Dewey victory, unconquered, yet only its Mussulman population ever made regular warfare against the Spanish power. Yet there were more frequent uprisings of the natives in the northern islands of the Arcipelago after Spanish sovereignty was extended over them, than was the case in Spanish-America.

In the 16th century Spain endeavored to extend her dominion over the Moluccas, but her efforts never proved successful against the Portuguese authorities there.

The Canaries had fallen under the undisputed sway of Spain in 1493, after a protracted struggle with Portugal.

Brazil, discovered and colonized by Portugal, passed into the hands of Spain in 1580 upon the assumption by the King of Spain of the throne of Portugal; portions of that territory soon thereafter falling into the occupancy of the revolted Hollanders. In 1640 the Brazil-

ians threw off the Spanish yoke, with the assistance of the Dutch settlers.

As to Louisiana, suffice it to say, that, being discovered by DeSoto, in a sense, in 1541, traversed by LaSalle (under French authority), in 1682, and being subjected to French settlement at New Orleans in 1718, it was in 1762 ceded by secret treaty by France to Spain. It was ceded back to France by treaty of St. Ildefonso, October 1, 1800, which compact was confirmed by the treaty of Madrid of March 21, 1801. It was ceded by France to the United States April 30, 1803. Its occupancy under Spanish authority has already been touched upon.

The mind naturally seeks an explanation of the fact that Spain was able to bring within her subjection American Territory of such vast bulk as to amount to three-fourths of both continents without a blow being struck by either of the other three great European colonizing powers, Portugal, France, and England until after her claims to those domains were either completely established or had reached the proportions of strong probability, judged of by the general rule of European domination in the New World. The limits of this paper will not permit of detailed examination into the real reasons for this state of things. In few words it may be accounted for by the fact that the initiative in the series of discoveries and of colonization was taken under leadership of Spain; that the other nations mentioned, as well as Holland, were for many decades in the sixteenth century engaged in controversies and defensive action calculated to preserve the present status, or to promote internal and external development upon other lines, the policy of which did not bring them in direct conflict with the Spanish evolution in territorial growth. It has been said that the real enemy of Spanish enterprise in New Spain during that period was piracy—that there were no

other external foes to her progress there. Furthermore, the mother country did not furnish the real sinews of war with which Mexico and Peru were subjugated. It was rather individual enterprise, whose bases of supply were Cuba and Panama, which accounts for results under Cortez, Pizarro and others in those quarters, as well as in Florida. It was by virtue of individual importunities applied to royal ears with the persistence and patience of enthusiasm, that within a quarter of a century after Columbus pioneered the way thence, the eastern coast of South America had been explored by Spaniards to within fifteen degrees of the southern end of that continent, and that within fifty years from that event substantially all explorations under Spanish auspices which furnished the basis of her territorial claims in America had been accomplished. Only indirect and all too insufficient aid was given by the home government in those marvelous conquests which saw the only ancient civilizations of America thrown down, and which made it possible for Spanish pride to boast that hers was the sole power which ever came in contact with peoples in the Western world whose subjection required anything like regular warfare. And it has been well observed that the very ease with which Spain's dominion was extended over those vast areas, coupled with the absence of occasion for vigorous action at home when the downfall of the Caliphate of Cordova ended internal dissensions, led to that assumption of superiority, that falling off of national and official virtue, that indulgence of ecclesiastical tyranny, and that general abandonment of vigilant outlook and oversight whose characteristics marked the decline of Spanish nationality and civilization itself as coincident with the rise of her power in America.

It was not until near the end of the 16th century, when the Armada was sent against England after Philip

II ascended the throne of Portugal, that that opposition to Spanish ascendancy which took form in the Dutch and English alliance ended in reducing her power in Europe to a shadow of its former self; that the blows were struck at the supremacy of Lisbon, the successor in trade of Venice, followed by Spanish retaliation by closing that port to Holland, in 1594; that the Dutch expeditions to the Spice Islands followed by her formation of the Dutch East India Company, and later of the West India Company in 1621, and the concurrent entry of England and France into the theater of action in the West Indies and North American colonization system, took place—that Spain began to realize that her career in the New World was not to continue unmolested by European rivals. But the season of immunity from foreign opposition was not utilized by Spain in laying firm and lasting foundations in her colonial possessions.

On the contrary, from the beginning her system and her policy were calculated to weaken rather than build up either filial or fraternal feeling among the original peoples, or the immigrants, or even the constituted authorities on the ground. For the natives she took no thought save to rob and harass them, now for money, nor for the imagined good of their souls. She required the population in general to purchase exclusively of goods manufactured in the Peninsula, at her own prices; she rigidly forbade the cultivation of the olive and the vine in the colonies, as an almost general rule; no trading between the various colonies was allowed; office and emoluments went exclusively to pure Spaniards, and those only who came to the dependencies with the one aim of growing rich by official and private fleecing of subjects, then to return home to spend their remaining years there, to be succeeded by others whose advent in the colonies meant repetition of the same process. The

few exceptions to this rule of administration show up in the outlines of Spanish colonial history like oases in the desert, and only serve to prove the rule itself. All church patronage was lodged in the hands of the King; and the Popes even, after the dispensation had been made under which the initial policy of Spain had been formed, vainly endeavored to regain that power which would enable them to directly propagate Church religion throughout Spanish territory, as they did elsewhere over Christendom. In the selection of secular and regular clergy; in the building up of Monastic establishments, and in the administration of the Inquisition, Spaniards from Spain, not Spanish immigrants who became identified with the colonial population and destiny, were the chosen instruments. The primary idea from the industrial standpoint, in laying the foundations of the Spanish colonial system, was mercantile, not agricultural, and the dominant thought of the commercial prospector was mineral wealth, in form of metal already fashioned or of unmined and supposedly fabulous ores. If wealth grew up in the hands of Spanish settlers in the colonies, and honored citizenship with large landed or mercantile incidents resulted, no virtue, no industry, no talents thus represented could ever hope for recognition in the local government, nor in the church which played so great a part in the machinery of state. For being loyal where loyalty meant singular and unwarranted devotion to the royal authority, the subject received a spurning. For daring to manifest his faith in God according to the revelation within himself, he was rewarded with pains and penalties which make the soul shudder in the contemplation. The Inquisition in South America was operated by the hands of the groveling and the sensual, whose elements of character and ability were so impaired that no permanent or broad scale of action could be kept up;

even the necessary discipline of the church was wanting; and the resulting revolt was in the end too powerful to be put down by the magistracy.

Daniel Webster says of Spain's colonial system: "Nothing can exceed the barbarous rigidity of her colonial system, or the folly of her early commercial regulations. Unenlightened and bigoted legislation, the multitude of holidays, miserable roads, monopolies on the part of the government, restrictive laws that ought long since to have been abrogated, are generally, and I believe truly, reckoned the principal causes of the bad state of productive industry of Spain." He was speaking here concerning her restrictive trade laws, but his statement of the case in that aspect of it presented the mildest features of the Spanish colonial system. For every nation of Europe making any pretense of colonial development laid down the primary conditions of restricting trade with colonies to the mother country, and prohibiting it as between colonies. This was the rule even with enlightened England; and the difference between the English and Spanish systems of colonial trade was not really vital, until the lessons of the American revolution taught our mother country that a more liberal system was essential to the welfare if not the preservation of her remaining dependencies. European commercial treaties were all along this same line of trade restriction. Montesquieu says this was the fundamental law of Europe. Still it has been said that no European nation carried its colonial monopoly so far as Spain, or enforced it with so much vigor.

As to the Philippines, their practical remoteness from the mother country resulted in their being made subject to colonial administration through the Viceroy of Mexico, or otherwise indirectly through the Mexican magistracy and the ecclesiastical authorities seated in

that province. The Mexican code of laws was extended over the Philippines. And from the time of the founding of Manila in 1571, down to 1819 when the Mexican and other Spanish-American revolutions severed the American dependencies as a base of administration, the Philippines were a dependency of Mexico. There had been no direct intercourse between them and the mother country; they were subject to the caprice of rapacious and incompetent civil and clerical officials. The so-called Supreme Court of the Philippines was a travesty upon justice, and its personnel formed one of the three more or less constantly bickering and ambitious elements whose sole purpose was to dominate in state and church for purely selfish ends and regardless of individual rights of Spanish subjects. In this turmoil for supremacy in government the four orders of friars were virtually the real rulers, and in the end generally won the battle for government of the people as against the Governors-General and the judicial authorities. And the controversy which arose in the latter part of the 16th century in the Spanish universities as to whether force or moral suasion should be the rule of propagation of religion through the Catholic Missions had special reference to the Philippines, but no defined guide for administration seems to have come of it. The Spanish claim of dominion in the Pacific, while always put forth in pretentious phrases, does not seem to have gone the length of pretending to universal sovereignty over those seas. In the Declaration of the Spanish King to the European courts in 1790, he thus defines the position of Spain concerning sovereignty in that quarter: "Nevertheless, the king does deny what the enemies to peace have industriously circulated, that Spain extends pretensions and rights of sovereignty over the whole of the South Sea, as far as China." And he in that document limits those

claims "to the continent, islands and seas which belong to his Majesty, so far as discoveries have been made and secured to him, by treaties and immemorial possession, and uniformly acquiesced in, notwithstanding some infringements by individuals who have been punished upon knowledge of their offenses. And the King sets up no pretensions to any possessions, the right to which he can not prove by irrefragable titles."

Upon a survey of the whole field of Spanish development and decline in colonial government, two leading facts seem to be chiefly responsible for the sad and tragic collapse of that system, so soon to follow its establishment, in the revolutions at the beginning and end of the present Century. They are, the persistent practice, founded upon Castilian pride, of dealing out to Spaniards resident in the Peninsula all powers of colonial administration and emolument, in state and church, and the absolute and unvarying exclusion therefrom of Creoles and other natives, and of provincial Spaniards even, thus depriving the people and their leading spirits whose wisdom and valor warranted their participation in government and the social upbuilding of the dependencies into communities fitted for self-government, of all hope of such advancement and responsibility and those ultimate civil rights which flow therefrom. This is believed to be the leading cause. The second, largely involved in the first, is that equally persistent clinging to the idea of ecclesiastical domination of the state by the church, and especially the use of the terrible weapon of the Inquisition by which the Roman Catholic Church vainly sought to repress heresy and to subject faith to the dictates of Papal control and oversight. These two facts, exclusion of colonial population from the realm of power and responsibility, and religious persecution, combined to bring about the most intense hatred of

Spanish officialism, and through it of disrespect of royalty itself, on the part of the natives and the Spanish settlers and colonists. Estrangements more deeply seated than the rancors growing out of despoilments of property rights, or the extremes of trade restriction and monopoly, grew up as the inevitable result of Spanish exclusiveness and Inquisitorial tyranny. In this respect the Spanish colonial system was unique. It weighted down the very instincts of manhood and of religious being until the plainest promptings of humanity cried out "Enough!" It forever marked the Spanish state as that one of the nations which personified medievalism down to the modern day when all Christendom elsewhere had long outgrown it. It proves in her that fatalism which serenely shuts its eyes to what the teeming world reveals, only to have them opened in blank surprise by the soundings of a cataclysm.

The initial act in that series of events marking the decline of Spain's colonial possessions was the loss of Jamaica to England when Cromwell's fleet in 1654, sent out to Barbadoes, and descending without avail upon San Domingo, seized Jamaica. Barbadoes, the Bahamas, Trinidad and the Bermudas, though first exploited by Spaniards, had been colonized and subjected to England's sovereignty; while Martinique, Guadaloupe, St. Lucas and Grenada, had been purchased by the French West Indies Company, though first known to Spanish discovery. An alliance was entered into in 1702 between England, Holland and the German Empire for the conquest of the Spanish colonies, but it came to naught. Under the so-called Family Compact against the Bourbon dynasties by France, Spain and Italy in 1762, Havana and Manila were captured; but under the Treaty of Paris of 1763, the territorial status quo was established and those cities were delivered up to Spain.

Now come the mighty upheavels of the nineteenth century, set on foot by the American Revolution, followed by the awful chapters of the French Revolution, during the vicissitudes of which the South American and Mexican colonies were awakened to the struggles which ended in their independence. In 1795 Hispaniola went to France by the treaty of Basle, and soon thereafter became independent. England captured Trinidad. Under the inspiration of Francisco Miranda, a Spanish American, Bolivar and St. Martin were prevailed upon to take up the cause of revolt in South America in 1806. Some postponement of the coming outbreaks had been effected by certain modifications of trade restrictions in the Spanish colonies in the last quarter of the last century, and for a time the condition of their people had been relieved from the severity of past rigors; but no principle of general reform was even projected. When the home struggle between the Bourbon dynasty and the liberal element which brought about the Spanish constitution of 1812 came on, the colonists, as a condition of their support of the King, demanded liberty in agricultural and manufacturing industries, free trade on the American continent and with the Philippines, the abolition of monopolies, fixed duties, and representation in the home government. And although these conditions were not complied with, still the singular loyalty of the dependencies continued until the King's abdication; and the junta constituted them an integral part of the Spanish nation and gave them and the Philippines representation in the Cortes. But the Columbian states had taken the lead in open revolt and in steps towards independence, contemporaneously with Mexico; and the contests lead by Bolivar under the Venezuelan and other juntas from 1810 until 1823, when independence was established; those of Mexico during which two declarations of independence resulted in a dic-

tatorship under Emperor Iturbide I in 1821, followed by a republic in 1824; of Buenos Ayres from 1810 until 1816 when, after British occupation in 1806-7, independence was achieved; of Chili, whose people had thrown off Spanish authority under the pretext of fidelity to the dethroned Ferdinand, in 1810, regained by Spain in 1814, to be finally ended in 1817 with the aid of St. Martin of the Argentine and the British admiral Cochrane; of the Intendencies of Guatemala in Central America whose establishment of a republic in 1823 was unattended with bloodshed; and lastly, of Peru, the last stronghold of Spain in America, whose protracted campaigns for independence, aided by Chili and Columbia, with Bolivar as dictator until 1825, ended in 1832 in success,—all these and other events mark the dramatic leavetaking of the colonists whose connection with their unnatural mother had ever been more artificial than real. Nor was the revolutionary period one of a general, much less united, effort inspired by a common sympathy with a common goal; it was rather a fitful and disjointed array of individual acts, accounted for rather by the relative weakness of the home government under distractions there, European hostilities, the ambitions of revolutionary leaders, and the general liberalized spirit which had been awakened through American independence of England and through the dawn of the day of recognition of individual man in the affairs of states. The very character of the South American and Mexican processes of attaining independence argues the inherent weakness of the participants in the qualities which made united effort among the British colonies of the Revolution possible, and of the actual unfitness of the former for self-government. In large part that unfitness was due to the system attempted to be outlined in this paper; but the truth of all history requires that it be admitted that it

was due in part to the incidents of climate, and of the origin of the races represented, whether of southern Europe and Asia, or Pan-America. Florida was ceded by Spain to the United States in 1819 after long-drawn-out controversy between Spain, France and the United States concerning her boundaries, and claims of sovereignty.

The independence of the Spanish-American states resulting from the above narrated revolutions was recognized by the United States in 1824, by England in 1825, and their recognition by Spain was not finally evidenced until 1838. England's connection with that recognition brought forth to the world in tangible form the Monroe Declaration of 1823; and American citizenship has not yet recognized the large part played by England in the events following the efforts of the Holy Alliance to reinstate by force of arms the Kingdom of Spain in South America and in Mexico after recognition of their independence by this country and England. What the colonial policy of Spain would have been had the crowned heads of Europe, promoting the alleged divine right of kings, and extinguishing the lights of republics in Europe and America, been successful, can only be judged of by what had and by what has since occurred. But that the great luminant star of the Western World whose symbol is the federal flag would have arisen in arms, and that her indignation would have aroused the mightiest conflict of the later ages against the attempted enforcement of the professed ends of that Alliance, is as certain as any event which, while not occurring, was impending when the Monroe doctrine was sent forth as a warning.

Cuba and Porto Rico alone remained to Spain in the western hemisphere. Suffice it to say that no vital change in the condition of those peoples came about as the result of Spain's lesson in the first quarter of the cen-

ture. Events which time and space will not admit of narration here occurred in the following decades, including the foolhardy attempt of the Lopez expeditions from North American shores in 1850-1; the interested discussion of annexation of Cuba to the United States after the Civil War; the growing disposition to strike for independence by the native Cubans and many among the Spanish-Cubans who were dissociated from the governing classes, culminating in the outbreaks in the sixties, followed by the Moret law of 1870, freeing slaves over sixty years of age, and after-born children, substantially the result of abolition of slavery in the United States, thus severing the strongest tie then existing between Cuba and Spain; the saddling of the debt incidental to the Cuban war of 1868 upon the Cubans; the last recurring struggle which, followed by the blowing up of the Maine in a Spanish harbor, brought about intervention by the United States, and the quick and sharp blows by which these remaining West Indian possessions were freed forever from Spanish oppression, in connection with incidental operations in the Philippines resulting in the loss of those islands to Spanish sovereignty.

In 1800 Spain held in America over seven million square miles of territory, or nearly 48 per cent. of the western hemisphere; before her loss of Cuba and Porto Rico she held only 40,000 square miles or two per cent. Her holdings are now reduced to zero. In the Pacific she still holds the dribbling remnants of the Carolines and the Pelews, and off the African coast the Canaries. Her career as a colonizing power is ended. We know of no instance in all history furnishing such cause of abject humiliation of pride of power and dominion as this.

Our forefathers as colonists knew what oppression meant. They felt its stings so keenly that their history

teems with discussion, remonstrance, serious and fateful co-operation, long before the revolt ending in independence came about. But these facts imply two others. They were men made for self-government. So were the men of the mother country. But it was oppression of a relative nature only. That oppression, relatively mild, was the great underlying cause of their coming to American shores to make a home, not for spoils or worldly glory. That home was to be the seat of civil and religious liberty, not the temporary footstool of royal administration for the sake of royalty's favorites. The vast problem at its bottom was the creation, for the first time in the world's history, of a permanent abiding place of a true commonwealth the harvest of all time and experience of the nations. In its formation colonists were substantially the only builders. They drew from remote antiquity and from more modern times the precious jewels of primary principles of human government to adorn the true royalty of the new Columbian reign. They were men of prayer and of affairs. Into the long controversies of the centuries of that process ministers of the gospel sat side by side with local officials and leaders, and all were statesmen. The school in which they were educated for that high mission was made possible by the genius for government inherent in the Britain, at home and in the colonies. The absence of all this marks the case of the Spanish-American subject. Spain's genius set her eye upon those things which make for vainglory. No thought of human right entered into her prospective vision. Those who left her shores went not forth in quest of a panacea for the ills of civil and religious deprivation, though an eminently good case for such a mission existed within her borders. And unlike the case of our colonial times, the population brought under the colonial administration was composed in the large majority of

natives, not of foreigners who had emigrated thence. There was no material by whose handicraft the foundations of local government, to be followed by a permanent independent system, could be laid; and there was no disposition in the Latin mind which dominated those populations to take up any such problem. State destruction, not state building, was the essential and inevitable end of all phases of the Spanish system, at home and in the dependencies, when considered from the standpoint of Anglo-Saxon development in statecraft. Spain's phenomenal prosperity in material possessions, falling to her without that effort which Great Britain has always had to make to secure her ends, gave her whole character as a world-power the aspect of some colossal imperial ship, freighted with untold wealth, sailing upon seas whose dangers her pilots saw not, and whose crew and captaincy, puffed up with the thought that all must go well with a Castilian sailor, became drunk as dangers began to appear, and who amid the perils of the oncoming storm and surrounding rocks and reefs sunk into an ecstatic stupor under the spell of which they flung overboard the freightage, allowed the sails to succumb to the winds and anchor to be lost, and the ship itself to drift until it floundered upon obstacles which the capricious pilotage of the hour brought into her pathway. In some such process as this does it seem that Spain's fatal colonial policy lost to her the heritage of colonial possessions.

THE ARICARA, OR REE, INDIANS*

We have traced the Aricaras from less than fifty years after the Columbian discovery of America down to the present day. During those nearly four centuries they have been in contact with three distinct Caucasian races, the Spaniards, the French and the Anglo-Saxons. We know of no other race of Indians who have migrated from so far south to regions so far north. They have fought the contest for existence and prestige with all other Indians from the Gulf of Mexico to Lake Winnipeg and the far mountains. We have seen them and their kindred tribes making the American desert blossom in agriculture long before the white man believed it possible to dwell there as a tiller of the soil; they helped to make tangible the tradition of ages that corn reigned over the aborigines as a presiding spirit of earth's abundance. If the Ree of today could recount what his ancestors saw, heard of, or participated in, all that has occurred in the new world from the time when from Peru to Mexico the Spaniard reveled over the remains of previous and vast civilizations, down to his late submission to the new American, would form the material of his marvelous narrative; the dreams of Napoleon for western empire; how England, fighting her battles in the western world, checkmated the Spaniards and vanquished the French; only to succumb later to her children, whose foothold on those shores was to become all-powerful and dominant; and the sanguine gold-seekers

*The concluding paragraph to the author's study of "The Aborigines of South Dakota," Part I, published in S. D. Hist. Coll., Vol. III pp. 271 to 584.

in California and the northern mountains, blazing the way for dedication of the great plains to the white man's plow. If his maraudings on horseback from Mexico to the confines of Canada were heralded for what they were in enterprise, encounter, daring and cunning, the days of chivalry anywhere else on the globe might be found exemplified by his tourneys, even though the reputation of today denies him the honor and integrity which belong to real chivalry, however barren of those qualities may have been much of the errantry of Don Quixote's time. And while all but incessant wars, most ably reinforced by dire disease, have reduced his once numerous and long-powerful tribe to a bare fragment, he yet may boast that no other aboriginal tribe, coming from so far down the receding ages and buffeting with so many and so various foes and conditions has a living representative at this day. From the time when his remote ancestor became the faithful guide of Coronado to the famed Quivira, to the days when Astor's ardent quest was encouraged by Ree horses, something substantial will be found to have existed along the line of his activities, in village remains and in the valor which will not die. And if the final word in history shall record him as less manly and straightforward than the rank and file of Indian tribes of the west, it will be because the refining processes of time in discounting conditions and the conflict of ambitions among white men still leave him discredited in the comparison. Whatever shall be his fate in those annals, the record will be written by the dominant race, whose estimate of the dying one is instinctively disparaging. The remonstrances, the appeals and the revenges of the brave yet despairing Indian of America go, indeed, to make up a partial record from the other side; but the half of the wrongs, the tyrannies, the frauds and that assumption which makes it just to despise the red man as a factor

in affairs, will never be told. It is a silent element which the poor Indian is speechless to unfold and to weave into the vari-colored blanket of history.

THE MANDAN INDIANS*

Author's Conclusions. The evidences of earliest and later observers, brought herein, show the Mandans more civilized than, and possessing a marked and peculiar gentility and polish not found among other western Indians. Their light complexion and the decided variation in many individual instances, from other Indians in general in the color of their eyes and hair, all attracting immediate attention; their peculiar modes of dressing their hair and caring for their health; their unquestioned and immemorial agricultural proclivities; their entrenched, palisaded villages and elaborate, semi-civilized lodges; their peacefulness and their freindliness towards the whites; their language, resembling in so many words the Welch; their religious ceremonies, embodying also the "Ark," flood legends and (as believed by some keen observers) the Crucifixion; all seem to proclaim them Indians into whose composition white blood entered long before known colonization found them in America.

That they are of Siouan origin has not been satisfactorily shown.

We believe it is proven beyond rational doubt that they came to the Upper Missouri from below, and not from the Northeast. Bands of them were doubtless met by and who fought with the Christenaux, Assiniboines and other tribes in the southwestern Winnipeg basin at or about the dawn of the historic age; but no substantial evidence is at hand making it probable that

*The concluding paragraphs to the author's study of "The Aborigines of South Dakota," Part. II, S. D. Hist. Coll., Vol. IV, pp. 275 to 728.

they as a nation or principal tribe ever had a territorial seat there. Other bands of them may have ascended the Missouri to near its head-waters—this point is perhaps debatable; but no substantial evidence is produced tending to show that they came as a body from the west to the upper Missouri. What are, with little doubt, Mandan village remains, some of which at least were later occupied by the Aricaras, have been traced into South Dakota, and we think it very probable that Catlin's claim that he found them down the Missouri to near the Ohio River is well founded. The vast, seemingly overwhelming preponderance favors the view that they ascended the Missouri from as far south at least as the Big Sioux river. That they once inhabited South Dakota we regard as certain. They may, and we think probably did ascend the Missouri from as far down as the mouth of the Ohio; but this claim takes us upon infirm ground if the Missouri is regarded as necessarily the beginning of their pathway northward. For, while we are strongly inclined to believe their ancestors once lived as far south as the Ohio and upon or near that stream, they may, in that event have gone westward from a point above the Ohio's mouth. If they ascended the upper Mississippi before they migrated farther west, such evidence as is extant on that head indicates that they descended that stream some distance from its head-waters before going thence westward. Their traditions, while as generally understood confining their locus to the upper Missouri and the immediate vicinity of Heart river, yet contained decided suggestions that the seacoast at the Mississippi's mouth, or on the Atlantic seaboard, or (much less likely we think) some large lake, was the point of the original movement inland. The theory of their extreme southern origin is, in our view, borne out in a substantial degree, by what is known of the Pawnees, and their one time

tribesmen, the Aricaras, and of the relations of the latter to the movement northward of the Mandans, the trend of tradition and of historic evidence being that the Rees followed them from far down the Missouri; and we have seen the collateral statements and claims which tend to show the Pawnees (Panis), Kansans, and other southern tribes, in connection with the Mandans, to have been woven into the warp and woof of the Madocian theory.

When we enter the specific field of Welch origin of the Mandans, we confess to a tendency to credulity which is expressed with much temerity and considerable diffidence. We are in substantial degree short of being convinced. But the evidences gathered into or referred to in this paper, touching directly and as indicated at the beginning of this summary, indirectly, the Madocian theory, have impressed us to the extent of making it clear that there is enough of probability in the claim to warrant its treatment historically; and to demand further and systematic investigation by historical societies in particular and the public in general. The writer feels that his duty—following an earnest study of this question, as time permitted, for many years—would be left undone were he to withhold here an urgent request for co-operative effort along the lines indicated. It may seem to students of history and others who may be specially interested, that the lapse of a century and a half of investigation and discussion of this very interesting and fateful question must have substantially exhausted the materials and the exchange of views thereon tending to enforce conviction. Far from it. There has been next to no co-operative work done by either historical or other responsible or authoritative bodies looking to a reduction of known and the discovery of unknown but probable further evidential materials on this subject, in a thorough

process calculated to make out a complete case, for or against the claims of Welch settlement and inhabitancy in America resulting from Madoc's voyages. The discrediting of that theory in the first quarter of the nineteenth century cannot be regarded as at all conclusive. Where did the Welchman Evans, who supposedly went west to the Mississippi about the beginning of the last century and who is said to have concluded that those claims were without foundation—go, what Indian tribes supposed to be "Welch" or "White Indians," did he visit, and where? And as to language, who that was master of the Welch tongue and of the language and dialect of any Indian tribe supposed to be in some degree of Welch origin ever visited such tribe, or even attempted to do any comprehensive work in comparing their language with the ancient or the modern Welch, in pursuit of a responsible study of the subject? We have learned of no one. What united work has been done, under any definite scheme of investigation into the mounds and tumuli referred to in this paper, in connection with the Madocian question?

We emphasize the point that such manifold, widely separated and independent instances of facility of conversation by Welchmen in their own language with certain tribes of American Indians, as has been shown in the foregoing evidences to have occurred from the earliest contact with them, are not to be dismissed as explainable on the theory of fortuitous concurrence of substantially identical words in the various tongues involved. We regard them as strongly tending to establish a common language and blood origin between the Welch and a once civilized element which became identified with certain aboriginal tribes. This power of word-interchange with Welchmen was not common to all or nearly all American Indians. *It was subject of wonderment*

and wide remark and discussion among both whites and Indians. It was universally regarded by both participants, and by very many non-participants of high intelligence who discussed the fact, as indicative of a common origin.

It seems not improbable that Madoc reached and settled, with some part of his expeditions, in North America. That some of his followers landed on the South American coast, or emigrated into South America from northward, seems, from the evidences regarding early civilizations there, to be more than merely possible; that there is evidence of probative character that Mexico may have been the theatre of growth and dominance of a civilization derived from a Welch origin, and that the mounds of Ohio and of Mexico are not unrelated in origin or development. The fact that Madoc was never heard of in Europe after sailing on his second (perhaps third), voyage would, if explainable on the theory of his settlement on the American mainland, reduce very materially the improbabilities of his alleged discovery. We incline strongly to believe it explainable; that in substantial degree it is explained by evidences showing the extreme difficulties of Welch existence and defense among the aborigines who, finding the discoverers east of the Alleghenies—either working westward or having come from the southwest, up the Mississippi and Ohio into the head-waters of the latter—drove them westward and down the Ohio, at or near the mouth of which they dispersed to southward, northward and southwestward; that in that process the emigrants found themselves powerless to do more than preserve mere existence and were unable to again return to Wales—or the hopelessness of Madoc's ascendancy in fatherland, owing to dire internal quarrels and butcheries prevailing there, may have determined him to refrain for years from making

known to his countrymen his further discoveries in a new world wherein he might expect to become dominant and to gain vast territorial estates, and that later on, whether he willed or not, circumstances made it impossible for him to report to Europe; that those immigrants were forced, as a condition to their continued existence, to intermarry with the Indians, thereby losing measurably the racial Welch element, which dwindled in succeeding centuries and became subservient to the Indian instinct and trend. In this connection consider that near four and a half centuries later the Virginia colonists of 1607, although succored for a time by the promoting company, were in 1610 so reduced that "the horrors of famine ensued," piracy was being resorted to to sustain existence, and "if relief had been delayed but ten days longer, they must have perished." Might not a few redoubtable hearts among them—failing such relief—have survived as members of an Indian tribe, when in Bancroft's words, "parties, which begged food in the Indian cabins, were murdered;" And had they so survived, and no European aid had come for generations, what but such an amalgamation as Catlin ascribes to the Mandans could have been their fate?

We here bid farewell to the Mandans as related to this study—the most enticing among all Indian annals that we have met. Their ascribed relation to the claims that European blood mingled with American aborigines as the result of twelfth century emigration, holds first place among historians. Their station among Indians in all the great West is supreme, if innate graces of character reflecting Christian civilization is the dominant note. Their place among the aborigines of the Northwest, in the process of its settlement and development by pioneers, is so large that to eliminate the "Mandan villages" from the records of those processes would leave

a void indeed. They constitute the mystery of ages in North American Indian lore as to *locus* of origin. If the future shall reveal that that mystery can be solved through the medium of further light on the Mound Builders, or of Madocians as collateral to them, the resultant must become deeply significant and intensely interesting. And if in A. D. 2170 no national celebration of Madoc's credited discovery shall occur, nor the song of Southey be revived; still the mystery itself will continue to grow in wonderment and splendor until its contemplation will have become a spirit of the Epics.

SULLY COUNTY—HER TWENTIETH ANNIVERSARY*

The subject of history is ever one which appeals to man in the highest sense of responsibility. The events of the past are the doings of men amid the vicissitudes of circumstance, and it is because a study of what has gone before is the essence of wisdom as a guide for the future, to the individual and to society, that the world's romance as found in history is the theme of special interest to every community, and the salvation of futurity. If every external landmark of the past were supposed to be eradicated as evidence to the visual eye—every physical monument and every book and record—the assembly of today, looking for that wherewith to erect a foundation for future guidance, and falling back upon the material treasured in the human mind as a means to that end, would search the archives of memory for all of antiquity that could be summoned into the present.

We little realize, until we come to analyze what we are and how we came to be what we are, how much of the past is of our very composition. This community before whose representatives I stand has been born and bred into the stature of civic manhood within less than a generation of time. How largely is that community the product of your own hands! Can you estimate what you are without considering its birth, its nurture during its years of infancy, its present responsibilities, and the concerns, hopes and fears incident to its development? Nay, can you estimate that community without consider-

*Address at Okobojo, S. D., on the occasion of the celebration of the twentieth anniversary of the organization of Sully County, So. Dak., Sept. 18, 1903

ing what you yourselves are as factors in its very being.

So it is with the wider community of the state. What has been achieved in the growth of this commonwealth is the sum of what its collective communities have accomplished. Sully County has done her part, and it has been nobly done. Without the accessories of large towns, railroads, or high schools—elements of great importance in every state and locality—she has erected one of the most stable and intelligent communities ever forged out of the crude elements of character, uprightness and thrift. In season and out, under the clear skies of prosperity and in the years of financial gloom and adversity, her people have kept the faith of works, retained their farms and homes, spurned the spector of excessive individual or public debt, and emerged into the present hopeful and courageous. She has to her credit a mental and literary ability and taste known to but few communities reared in such economy of favored circumstances. The clubs and societies which for many years have been a familiar sound in the precincts of the local press of this county speak volumes for the materials out of which states are formed and perpetuated and citizenship endowed with its graces and its power for good. The sobriety which is everywhere manifest among her citizens tells of morals, economy, and vigor of body and mind. And what seems the climax among the results which these characteristics have brought about is the unswerving and eager habit which has grown up in your midst of holding these annual meetings, participated in with equal enthusiasm and loyalty by every one from the Hyde county line to the river, and for long time known as the Old Settlers' Meeting. The fact in its significance to a non-resident cannot be fully recounted without adding that there is irony in the idea of calling upon any one from beyond

your county borders to tell you something in the way of an historical review of Sully County!

By way of formality and in brief, it may however be said that a county first described by the territorial legislature of 1872-3, organized and whose first board of county commissioners convened in 1883, whose first and only "capital fight" was between "Clifton on the Okobojo" and the more eastern village of Onida, the victor and present county seat, whose borders at one time involved the momentous question whether Okobojo Island was or not a part of her domains, on whose western frontier stood from July, 1866, until November, 1894, a garrisoned and picturesque military outpost as Fort Sully, named for the most gallant and effective general who battled with the Sioux and for the integrity of the frontier in the sixties,—whose people have borne the brunt of expansion with less litigation, perhaps, than any other county in the state, whose vicissitudes in politics have withstood the recurrent shocks, whether pitted against each other or in some measure allied, of some half-dozen political parties, which enjoys the distinction of having sent as its representative in the legislature one who served it for a longer continuous period than any member from any other county in the state*—which was the theatre of the most phenomenal town-site boom ever floated in a clime famed for aerial flights in corner lots,† which has evolved a Ben Hoover for notoriety, boasts of Little Bend as a great natural stock corral, is king of ranch-farmers east of the river, and has set the pace for successful farming in central South Dakota,—is justified in holding a meeting of her people here today to deliberate and jubilate over what she has been and what she is.

Of the state at large and her foundations, it may be affirmed that few localities within the national domain

*Thomas Goddard. †Fairbank.

west of the Alleghenies have more remote and important beginnings than have South Dakota and her sister state on the north. LeSieur, who made a map of the west as then known, in 1701, marked thereon a trail as far west as the Missouri river substantially at Pierre, and he probably sent an agent or employee into what is now western South Dakota. La Verendrye, who came from the Lake Michigan country to visit the Mandans on the upper Missouri in 1739, sent a detachment of his expedition into what is believed to be the neighborhood of the Cheyenne river, and he is supposed to have caused to be planted somewhere between that river and Bad river a monument in the name of the French government. The treaty under which the French government transferred to the United States the Louisiana Territory in 1803, was a pivot upon which revolved the balance of power of Europe when Napoleon was struggling with England for supremacy. And when Lewis & Clark in 1804 came up the Missouri upon the pioneer expedition under the federal flag, they found that Englishmen and Scotchmen from the north, and Spaniards and Frenchmen from the south had preceded them in the initial efforts to exploit the unknown regions where a little later the great fur trade began to flourish as the first step in the march of civilization; and they found at the Big Bend Fort Loiselle. When John Jacob Astor, six years later, sent the Hunt-Astoria expedition up the river and over the mountains in his grand scheme of establishing a line of trading posts to the Pacific, the most notable event of its journey east of the mountains was the serious quarrel which arose between Hunt and Manuel Lisa at the mouth of Bad river, the cause of which quarrel was really the struggle for supremacy in the coming fur trade. Lisa, preceded by Joseph LaFromboise who had in 1817 built the first considerable trading post at the mouth of Bad

river, was doing business in this part of the country when Napoleon was nearing his end at St. Helena. And when in 1823 the Holy Alliance was declaring for the divine right of the kings of Europe to rule and menacing free institutions in the new world, giving rise to the Monroe doctrine, Leavenworth's expedition against the Aricaras on Grand river was in progress. Old Fort Pierre with Chouteau at its head began its potent sway as headquarters of the American Fur Company's business on the upper Missouri in 1832 and the steamer "Yellowstone" made her first trip to substantially the head of navigation on the great stream, and not until five years later did Victoria begin her reign over Britain. When Lincoln and Douglas were having their memorable debate upon slavery and Squatter Sovereignty in 1858 Harney was negotiating a treaty with the Sioux under the flag-pole at Fort Pierre barracks, at the end of the first Sioux outbreak on the Nebraska frontier,—for this was then Nebraska Territory. And when the Civil War broke out in 1861 the last days of the old regime of the furtrading period were eking out, and the Minnesota massacre was soon to occur, followed by those years of campaigning in the sixties which were to be succeeded in turn by the permanent advent of the homestead settler.

Bradbury and Nuttal in 1810, Catlin in 1832, Fremont and Nicollet in 1839, Audubon in 1842, and the Raynolds and other expeditions in 1860 and thereafter, had pierced into this new region to discover through the skill of art or the love of adventure the mysteries of nature and of her noblemen of the plains, and all of these visitors came to this locality; and long before Dakota Territory was organized by Congress in 1861 her resources and her aborigines had been heralded to the world by specialists and adventurers. Her soil had been

under the various sovereignties, actual or presumptive, of Spain, France, and Great Britain. It had formed part of the Indiana, Missouri, Michigan, Wisconsin, Iowa, Minnesota and Nebraska territories. In the vast Dakota County created by the Minnesota legislature of 1851, the same sheriff might serve process anywhere from Lake Pepin on the Mississippi westward to the Missouri.

After the cession of the strip of land between the western Minnesota line and the Big Sioux river in 1851, the Yankton treaty of 1858 gave up all of the area between the Big Sioux and the Missouri south of the head of Medicine creek in Hughes county and of a line running substantially northeasterly to Lake Kampeska, except the Yankton Agency, Crow Creek and Winnebago tracts, and the treaty of 1868 ceded all of the remainder east of the river; while the Black Hills, now being trespassed upon by gold-seekers who first entered that region in 1874, fell to the federal government under the treaty of 1877, following the Indian campaigns which involved the memorable slaughter of Custer's forces in 1876 on the Little Big Horn.

Upon the organization of Dakota Territory in March, 1861, the legislature in 1862 adopted the first Civil Code ever set in operation in this country; which code had been framed by the authorities of New York State without being adopted in practice. For many years the new Territory, Governor Jayne being its first executive, was retarded in its growth by the Indian uprising in Minnesota which spread into the country westward, and Gov. Edmunds in 1865 aided materially in ending those troubles, and the treaty of 1868 followed. The first railroad into Yankton was built in 1873. Gold being discovered in the Black Hills in 1874 led to settlement of the mining districts by degrees; but Sioux Falls,

Flandreau and other settlements had been made in the eastern part of the territory late in the fifties, while Fort Vermillion had been the pioneer landmark on the Missouri in that general locality.

Yankton carried off capital honors in the first legislature, defeating Sioux Falls and Vermillion. There the capital remained until transferred to Bismarck by the Capital Commission in 1883. The agitation for division of the territory on the Seventh Standard Parallel—the line finally adopted in 1889—had begun in 1871, and a dual set of provisional state institutions grew up in course of time, based upon this sentiment; and the adoption of a provisional state constitution for the imaginary state of South Dakota in 1885 and the provisional selection of Huron as the capital, were the certain signs that long-deferred action by Congress in admitting the peoples of the two sections into statehood must in the nature of things soon culminate in affirmative action. The constitution of 1889 was accepted by Congress and under it the new state was launched upon the sea of time. Everybody then living in the territory will remember the exciting campaigns for location of the temporary, and thereafter the permanent capital, resulting in victory for Pierre.

The years since statehood dawned upon us, though accompanied in part by general financial depression, have brought to our people an advance seldom realized in the growth of the west. The result thus accomplished, under which half a million souls find themselves in prosperity and with the confidence of the outer world at their feet, proves that the genius of the Anglo-Saxon has here planted the seeds which shall fructuate in the rich harvest of free government and contentment under conditions of rare opportunity and a keen disposition to improve them.

THE AMERICAN FUR COMPANY*

The American Fur Company was chartered by the State of New York to John Jacob Astor, April 6, 1808, such corporate body being simply a "fiction intended to broaden and facilitate his operations" in carrying out his comprehensive schemes of monopolizing the fur trade of the west and, incidentally, the ocean trade between New York and the Pacific coast and China. The companies under whose immediate operation his vast schemes were carried on—all being simply departments of the American Fur Company, were substantially as follows: Astor, finding it necessary or prudent to buy out the Mackinaw Company (headquartered at Michilimackinac between Lakes Huron and Michigan), took into partnership certain part owners of the Northwest Company (itself a formidable rival of the Hudson Bay Company and established at Montreal, and having its principal base of supplies at the Grand Portage northwest of Lake Superior); and this successor to the Mackinaw Company was known as the Southwest Company, as opposed to the British Company, which did business in the north and west. Astor owned a two-thirds interest in the Southwest Company, the other partners (including also the Mackinaw traders Cameron, Frazer, Dickson and Rolette) agreeing that their interest should fall to Astor at the end of five years. June 23, 1810, Astor organized the Pacific Fur Company, contemplating a central establishment near the mouth of the Columbia River, sup-

*Reprinted, by permission, from the author's collection of "Notes on 'Old Fort Pierre and its Neighbors,'" published in S. D. Hist. Coll., Vol. 1, pp. 331-5.

plies to be furnished from New York by ship, "which would receive the returns of the trade, dispose of the furs in China, and return home with goods for the home market," the coast trade to be carried on in conjunction, including supplies to the Russian settlements on the Northwest coast. The war of 1812 practically crippled the successful operation of these organizations for several years. In 1816, Congress having (largely through Astor's efforts) passed an act excluding foreigners from participating in the fur trade of the United States, the Northwest Company relinquished their interest on American territory, the American Fur Company succeeding to their interests, as well as to those of the Southwest Company, in 1816. Ramsey Crooks and Robert Stuart became the general agents of the company, while Russell Farnham became chief representative on the Mississippi. A fierce quarrel between the St. Louis traders and Farnham as promoter of the American Fur Company's interests in the Illinois country arose over the question whether the company could, under the act of 1816, engage foreigners in the service of American traders—a practice carried on by Astor, who had employed Canadians. Litigation arose over the forcible seizure of two boats of the company by the military acting upon the theory of exclusive right of the governors of Missouri and Illinois territories to license the business on the Mississippi, resulting in favor of the American Fur Company in 1823, and the War Department at last recognized the validity of the licenses of the Mackinaw traders. Astor, conservative about entering into the Missouri River trade for the reason, chiefly, that he was furnishing goods to the St. Louis traders, and not having succeeded in coming to terms with Berthold, Chouteau & Co., of St. Louis, who desired to purchase an interest in the American Fur Company, laid plans in 1821

to enter into that field of operations. The British Parliament having, on July 2, 1821, passed an act virtually excluding Americans from the Canadian trade, the American Fur Company withdrew its outposts from the country east of Lake Huron, but immediately established posts along the Canadian frontier from Lake Superior to the Lake-of-the-Woods as a counter-move. Astor was also instrumental in securing the abolition by Congress of the United States factories for the Indian trade, thus removing government competition. In April, 1822, Samuel Abbott was sent by the company to St. Louis to represent its interests there, and the company thus created its Western Department, giving to the older and northern field of its operations the name of the Northern Department. Robert Stuart remained at Michilimackinac. April 1, 1823, the firm of Stone, Bostwick & Co. (otherwise known as David Stone & Co.), a formidable rival trading concern in the St. Louis trade, was admitted into the American Fur Company, to continue three and one-half years, Bostwick and Abbott to be in charge at St. Louis; at the end of which period, in 1827, the Western Department was placed in charge of Bernard Pratte & Co., a firm composed of Pratte, Pierre Chouteau, Jr., John P. Cabanne and B. Berthold, an old and prominent St. Louis trading house, which arrangement was to continue for four years. A powerful rival had now appeared in the northern territory, namely, the Columbia Fur Company, founded by Joseph Renville, who associated with him Kenneth McKenzie and William Laidlow (who later was in charge of old Fort Pierre), who had been employed by the British traders prior to the amalgamation in 1821 of the Northwest and Hudson Bay Companies, McKenzie soon becoming president of the Columbia Fur Company; the legal title of the concern being Tilton & Co. Its most important post was Fort

Tecumseh, just above the mouth of the Teton, or, as then called, Little Missouri (now Bad River), on the west side of the Missouri River a short distance below old Fort Pierre. The American Fur Company and the Columbia Fur Company were in close and active competition through the Sioux and Omaha country at that time, both being outfitted in St. Louis. A union was formed between the two companies about July, 1827, the Columbia Fur Company withdrawing from the Great Lakes region and the upper Mississippi, which thus reverted to the Northern Department of the American Fur Company devoid of opposition. A sub-department was created on the Missouri embracing all the valley above the mouth of the Big Sioux (substantially at what is now Sioux City), the Columbia Fur Company taking charge of this department without substantially changing its organization. The partners of the retiring Columbia Fur Company, including McKenzie, Laidlow and Daniel Lamont, became partners of this sub-department "quite as independently as if they had remained a separate company." The name of Columbia Fur Company was dropped, and the new arrangement was carried on for twenty years or more under the business style of "Upper Missouri Outfit," or, as abbreviated, "U. M. O." The new arrangement went into full effect with the beginning of 1828. It is said that thereafter the "company," thus made the most formidable trading concern on the Missouri River, was always understood to mean the American Fur Company, all others being mere "opposition" companies, which supremacy was continued until the company ceased business altogether over thirty years afterward. Kenneth McKenzie, the master spirit in the management of the American Fur Company, was dissuaded for the time being by Pierre Chouteau from a cherished scheme of embarking the company in the fur

trade of the Rocky Mountains, where General Ashley had brilliantly succeeded as head of the Rocky Mountain Fur Company; and Fort Floyd (afterwards and permanently known as Fort Union) was established by the American Fur Company in the fall of 1828 at the mouth of the Yellowstone. In 1829 and 1830 Henry Vanderbergh headed a party who traveled into the heart of the Rocky Mountains for the American Fur Company, encountering great hardships and a battle with the Blackfeet, but the expedition was not profitable in building up the fur trade there. The contract between the American Fur Company and Bernard Pratte & Co. for control by the latter of the Western Department, and between said firm and McKenzie and others as agents of the Upper Missouri Outfit (the former of which expired with the outfit of 1829, the latter with that of 1830), were renewed in March and August, 1830, for four years more. Late in 1831 McKenzie caused Fort Piegan to be built for the company just above the mouth of the Marias River and in the angle between that and the Missouri; this post being burned the next summer. Fort McKenzie was built to succeed it that year, six miles further up and on the north bank of the Marias, which became the permanent seat of the Blackfoot Indian trade. Fort Cass was built on the Yellowstone at the mouth of the Big Horn, for the Crow Indian trade. In 1831 the steamboat *Yellowstone* made the first trip up the Missouri as far as Fort Tecumseh; the next year she ascended to Fort Union, the experiment having been made through Mr. Chouteau's confidence in the plan of thus doing away with the keel-boat service in transporting goods up and down the river for the company. After the union with the Columbia Fur Company, the next opposition was that of the French Fur Company, composed of Papin, Chenie, the two Cerres, DeLaurier, Picotte, Dennis Guion and Louis

Bonfort, and its principal establishment, "just across the Teton River from Fort Tecumseh," was purchased October, 1830, by the American Fur Company. The strongest opposition ever presented against the American Fur Company was that of Sublette & Campbell, a firm composed of William L. Sublette and Robert Campbell, formed in December, 1832. Their principal post was Fort William, built in 1833 about three miles by land below Fort Union. Through the crushing competitive tactics of McKenzie, and the subsequent purchase, in April, 1834, of their remaining goods by the American Fur Company, who agreed to retire from the mountain trade for the ensuing year, that concern was silenced as a competitor on the Missouri. In 1833 the company was in great trouble with the government, owing to McKenzie's experiments with a distillery at Fort Union, where he for a time manufactured spirits for the Indian trade, the government having prohibited the transportation of liquors into the Indian country. This trouble was averted early in 1834 through various pretexts. Mr. Astor, wishing in 1833 to retire from the business, notified Bernard Pratte & Co. that the existing contract with them would expire "with the outfit of the present year on the terms expressed in said agreement;" which step was followed, June 1, 1834, by a sale by him of the Northern Department, retaining the name of the American Fur Company, to a company of which Ramsey Crooks was principal partner, and of the Western Department to Pratte, Chouteau & Co. of St. Louis. For many years thereafter the name of American Fur Company was popularly applied to the new company at St. Louis, though improperly. Astor had clearly foreseen the beginning of the decline of the beaver fur trade in the London market in 1833. The remnants of the waning Rocky Mountain Fur Company were, through a connection between Fitz-

patrick, Sublette and Bridger (representing those interests), and Fontenelle (of the American Fur Company), merged into the American Fur Company, and Fort John on the Laramie was occupied as the last considerable trade depot of the company. The Rocky Mountain trade of the company was practically terminated in 1843, when James Bridger, who, with Benito Vasquez and Basile Clement (known as "Claymore" and who now—1902—lives above the mouth of the Cheyenne River at McKenzie Bottom on the Missouri), had in 1841-2 trapped for the company in those regions, built Fort Bridger on Black's Fork of the Green River. In 1838 the company management was again changed, the name of Pratte, Chouteau & Co. being succeeded by that of Pierre Chouteau, Jr. & Co., under which name the business was carried on until about the time of the company's permanent retirement from business in 1865, when it sold out to Smith, Hubble & Hawley of St. Paul, trading as the Northwestern Fur Company. In 1842 new and formidable opposition was met by the company, in the southwest by Lupton and Bent, and St. Vrain, in the upper Platte River country by Pratte, Cabanne & Co., and on the upper Missouri by Fox, Livingston & Co. at Fort George and Fort Mortimer (the latter at the mouth of the Yellowstone, being the former Fort William), the latter concern being the most formidable, and the contraband liquor trade being the chief instrument in the hands of these rival operators, largely composed of desperate characters; Major Andrew Dripps having been appointed Indian agent by the government, and having by determined effort finally driven those outlaws to the wall, while affording to the American Fur Company every facility for pursuing these rivals. In 1845 Fox, Livingston & Co. (otherwise known as the Union Fur Company), sold out to the American Fur Company. From

this time on the fur trade in general declined rapidly.

The name "American Fur Company," however, seems to have been in use at Michilimackinac long before the Missouri River country became the scene of fur-trading enterprise. But such prior use of the name was entirely disconnected from the promoters of the various concerns which finally resulted in the formation of the company treated of at large in this note.

HANSON COUNTY OLD SETTLERS' PICNIC*

To commemorate the beginnings of communities in counties serves many worthy purposes. Such gatherings bring together those who have laid foundations and participated in the anxieties and responsibilities incidental to pioneer life, for celebration of leading incidents and exchange of congratulations upon what has been accomplished in the great cause of reducing virgin soil to the yielding of annual harvests and the laying of corner stones in family ties and in the units which make statehood.

You, the people of Hanson county, have held these picnics annually for many years, and no doubt the routine has become familiar to you. You have listened to annual addresses upon all of those occasions, and local history has without doubt been referred to again and again by whoever may have had the privilege of addressing you upon each and all of those occasions. I cannot pretend and shall refrain from attempting to go into those details upon this occasion, except perhaps to touch incidentally upon a very few phases of your experience as builders in or observers of some portions of that growth which has come to you and to other portions of the former Territory of Dakota. Duty however might suggest that, if there are some here present who have not attended a previous gathering of this character in your county, a mere sketch of those phases for their possible benefit may be excusable.

When Hanson county was organized by act of the Territorial legislature Jan. 13, 1871, her limits were so ample as to merit special mention, as the whole of the

*Address at Alexandria, S. D., June 13, 1907.

present county and of twelve more to northward and westward, and portions of ten other counties were embraced within her territory. The northern limit of that county lay beyond the northern limits of South Dakota on the 46th parallel, and extended from Minnehaha county on the east to some distance west of Davison county on the west, and comprised about one-fifth of the whole of South Dakota's area. Ten years later the present limits of your county were arrived at upon a vote of the people of what are now Davison and Hanson counties, resulting in a division of the two upon their present lines, after Hanson had been first reduced from the big county to one of but twelve townships in 1873, to be followed by a second change of boundaries in 1879 to include Davison and Hanson.

I find also, by reference to the long list of memorials and special acts of the legislature of 1870-1, that at the time of the creation and organization of the pioneer county many drafts were drawn upon the good-will of Congress to meet actual or supposed needs in the building up of the territorial communities and the forging of the bonds which should promote and render successful the beginnings then already accomplished; such as mail service between various points in the southeastern corner of the Territory and between some of them and points in Nebraska, including one from Yankton to "Old Fort James," the pioneer settlement, I believe, in your county and which seems to have been established for military purposes in 1865 upon the site of Rockport; the ascertainment of lowest rates for immigrants from the old country to Dakota "by rail and water;" for an appropriation for a capitol building—not the first appeal of that character; for a land grant to the McGregor & Mo. Riv. R. R. from northern Iowa to Yankton; to create a new Territory out of the northern portion of Dakota Ter-

ritory—the storied 46th parallel to be the dividing line; for a road from Yankton to Firesteel Creek and to bridge streams enroute, and one from Sioux Falls to the Missouri opposite the mouth of White river, also one up the Missouri valley to Buffalo county; for a penitentiary; for a telegraph line from Yankton to Fort Randall, and for lands for college purposes, etc.

It seems also that Maj. Hanson, after whom your county was named, was among the very first settlers in your midst in 1870; that the first permanent settler, Samuel Bloom, came in 1872; that the first two lawyers who came into the community “skipped the country” or lost their nerve and quitted it; that beaver, antelopes and even buffalo were seen here by the early pioneers; that your first school house was built at Rockport in 1874; that the “Rockport Pioneer” was published in 1877; that horse thieves on Red Stone Creek in 1879 led to a protective association; that in or about 1880 your county seat contest between Rockport and Alexandria resulted in victory for the latter; that in 1882 a mass meeting was held in this county to elect delegates to a Huron convention looking to division and statehood, followed by a convention at Sioux Falls in 1883 for that purpose; that the “Alexandria Herald and Dakota Homestead” was launched in this city in 1883, with whose establishment James Baynes and the honored late L. C. Taylor had to do; that in the informal contest of 1885 for temporary capital of the Territory Alexandria received about 4,000 votes, showing how well this part of the Territory stood as a factor in her growth. That Hanson county had her share of the brunt of battle in erecting civilized society on the Indian border is abundantly shown by historical matter pertaining to Indian depredations, the use of hay for fuel and the survival of droughts, hot winds and cyclones and a thousand other obstacles great and small

which came to all portions of the public domain, and in the brave struggle through which the character of manhood and the soul of iron which marked the denizens of our early days was molded and perfected.

You, fellow citizens, are already reaping in eminent degree the harvest of those early toils and privations, in the form of possession of ample homes, extensive holdings in lands than which no better exist under the sun, the advantages of excellent schools, many churches, and such communities as make the heart glad and grateful to the valor of American citizenship. I purpose to draw attention to some thoughts upon the subject of that citizenship as the main theme of this immature discourse.

Citizens of Hanson county, you value home, community and state institutions which your labor and solicitude have helped to establish, because of their worth to you, your families and posterity. Home is the starting point of all that is dear to you as members of society. The institution of home is treasured in your hearts because of the sentiments of love and of virtue which cluster around it. You know it could not be what it is unless those sentiments were cherished and preserved as the priceless jewel which they are. No other country has such a home-foundation as has America. Because of our free institutions our country, as a prospective civic home of the oppressed and the lowly abroad, has long been the beacon light which has welcomed to her midst all who were well disposed and who longed to become beneficiaries of the communities containing those homes. The American pioneer has thus laid all Christendom under obligations to him. And those who have come to our shores from foreign lands in response to that invitation have become woven into the fabric of American society, making it stronger and more enduring because of their devotion to the principles which thus attracted them and

their love of a country which embodied those principles. The American people have thus become cosmopolitan—made up of all the civilized peoples of the earth. And American society is thus cemented in bonds of loyalty to free government, representing the longings and aspirations springing from oppression in the Old World in all modern times.

But if love wanes and virtue fades home itself is in jeopardy. That institution, the bulwark of our whole system, cannot survive the assaults of jealousy and hatred, of infidelity and profligacy. Its integrity is absolutely dependent upon preservation of the domestic and civic principles upon which it is based and which give it character. No argument is needed to enforce conviction upon the mind in this connection. Lovers of home must continue to be lovers of the virtues which make American homes a possibility, and to practice those virtues *for the sake of them*, if they would preserve that sacred institution.

I have appealed to your understanding and to your instincts concerning what is necessary to the perpetuation of home, for an ulterior purpose relating to country and the government which has country in its keeping

For generations before the Declaration of Independence was resolved upon and published to the world the principles of civil and religious liberty were in process of germination among our forefathers. They declared for them in the outset before crossing the ocean. They discussed and sought to apply them in colonial government. They took issue with the mother country upon them time and again. They grew stronger in their faith in them as insistence resulted in some measure of their application to that government. As the great crisis in which those principles were to be fought out under the Revolution approached they became dearer and dearer

to those whose devotion to them was soon to be evidenced by the baptism of blood and the shroud of death. The daily life of those colonists became part and parcel of the essence of the principles of free government. They embraced it even to the despair out of which the heroism of the Revolution was born—that heroism was the child of that despair. When the sublime struggle was over—when the horrors of Valley Forge were followed by Cornwallis' defeat, and the Federal Constitution was wrought from the harvest of blood, patriots clasped hands and thanked God for the day which enabled them to embody in undying language those principles for which they and their progenitors had prayed and struggled for near two hundred years. And for decades thereafter the nearness of those fateful years of the Revolution kept fresh in the individual and public mind the principles of liberty involved and at what a sacrifice they had been vindicated and guaranteed to futurity. Independence Day brought recurrence of public devotion to those principles.

The annual recurrence of that and other occasions of patriotic demonstration has developed every phase of loyalty, confidence, doubt and despair which theory, combined with much variety of experience could suggest. In this process of discussion and celebration the lover of liberty who was anxious to see the guaranties of liberty preserved in actual practice has had to contend with the demagogue, the self-seeker and the conspirator against the principles of our government. Not all the grandiloquent postures of speech and exhortation, not all the appeals to patriotism, not all the protestations of devotion to country—nay, not all the arraignments of alleged disloyalty to those principles which have emanated from the rostrum and the press have been intended to serve the single cause of country and her institutions. Too

often have public speakers invoked the aid of oratory to deceive the audience as regards alleged errors of public servants or the character of opposing candidates. Too often has the press, subsidized by special interests or under the influence of ambitious political aspirants, sounded the specious and discreditable note of false issues or of personal detraction. In this process time has wrought two results: Citizens, deceived, have learned to discount professions and implied assumptions of loyalty; and the principles of liberty *for their own sake* have become in a degree forgotten in the din of disputation and invective which has pervaded the discussion of affairs.

There has been a falling off of faith in the integrity of public service. There has been a lagging of the individual citizen in the watchfulness which the principles of liberty demand. Americans in contemplating the beginnings of our federal system look back a century and a quarter to find the landmarks of their foundations. The quickening sense which once came to the individual conscience of the citizen when he beheld free government in the presence of the mighty struggle which gave it life, is in a measure modified. He still applauds the *sentiment* of liberty. The majority still realize how precious is the boon of free institutions. But an increasing number of the minority have ceased to act up to the responsibilities without which no free government can be preserved. Money and the ambitions which make men its slaves have too much usurped the place of citizenship. Prosperity for which the land of Columbia has ever been famed is shaping the god of Mammon into tangible form. Individual integrity has been assaulted by the processes of commercial instinct in subduing the raw materials of a continent. Speaking broadly, the falling off of that integrity has been accompanied by a lust of power in busi-

ness and in office,—the governing forces, partly private and partly public, which in practice are accountable for current action in administering the principles of liberty, have become contaminated by new and growing forms of temptation away from “the strait and narrow way.” Man’s qualities which fit him for the *defense* of free government by daily practice of the virtues of citizenship have become deteriorated through the joint effect of pursuit of selfish ends and passive acquiescence in the shortcomings of his fellows. The total effect upon the integrity of the forces of society is a growing disposition of indifference to the *guaranties* of liberty. Nay, there has been a forgetfulness of the fact that a *constitution*, in and of itself, no matter how express may be its provisions nor how fully they meet the exigencies of time, is no *guaranty* of good government, no *preserver* of constitutional government.

There may be a sentiment which finds expression in adulation and applause of the great documents of liberty, without that active devotion to the principles underlying it and which alone can make it an insurer of rights.

As the institution of home cannot be preserved without constant practice of the virtues upon which it is based, so free government and the realization and perpetuation of its benefits to the people cannot be secured without constant practice by the citizen of the virtues of citizenship, *for the sake of those virtues*. I emphasize this last phrase, since unless the people understand that the possession of those qualities because of their intrinsic merit and value is essential to insure good government, the active practice of those virtues will go more and more by default and the result must be indifference and incompetency in government itself.

The officer chosen by the people to represent them in office comes from their midst, and is generally affected

by the same influences and possesses the same qualities and motives, as a citizen, as do his fellows who become his constituency. It cannot be expected that he will as a rule rise above their level in the civic virtues. Government through him will be no better than the qualities which his constituents possess. His integrity will reflect theirs. Unless he has deceived the people as to what he is in morals and efficiency, his defects as a public servant should be presumed to measure the competency and the fidelity of those who are responsible for his selection. On the other hand he is entitled to the active co-operation of his constituents in making his official action effectual upon every issue involved in his election. He is bound to take them into his confidence and to consult them and should be taken to fault if he does not. Every citizen whom he represents is a factor in the success or failure of his administration. The citizen is not to be let off with voting for or against a candidate. He must keep a watchful eye upon his representative for the two-fold purpose of holding him to accountability and of assisting in its discharge. Free government is not by officials alone, they are inadequate to the task. The people have no right to cast the whole burden of government upon officials. Private citizenship must join in the work. The office of the citizen in private life is the greatest *responsibility* connected with free government. Upon no other theory can the *genus* of self-government be harmonized with the world's progress up to it.

An important fact is dawning upon the public mind concerning our nation's experience under the Federal Constitution. That fact is that the trial of free government thus far made is but an experiment under the immediate circumstances which accompanied the laying of the foundations. The further fact that the Civil War was fought as a secondary phase of the initial period is

consistent with the assertion that the national experience, as a test of government, down to the present time, pertains to the first chapter of national history; since slavery and its ultimate extinction, the real issue of that war, was directly involved in the compromises resulting in the constitution. The voyage of our ship of state, destined for the ages, has not yet progressed far enough out of the harbor of departure to have encountered other than the half-hidden rocks and the winds and currents pertaining to the shore system in navigation. The issue of protection as incidental to federal revenues; that of labor and capital arising upon internal commerce; the incidental assault upon the federal judiciary growing out of that issue; the untoward grasping of colossal wealth under corporate control; the inordinate ambition for political power in the hands of rings and bosses—all are but phases of the departure of that vessel upon the cruise of destiny. With the perception of this truth that all that has passed is but a short step on a long journey full of peril and whose pilotage must proceed in the light of the wisdom of the past amid new conditions which the world's activities will unfold, comes a realization that the problems of government yet to be met will constitute more valuable tests of the efficacy of the constitution and of the American people for self-government than all that has so far been accomplished in that direction. In that process Democracy must meet itself face to face and find itself on trial. This will occur under circumstances far removed from the contemplation of free government as against the tyranny of monarchy and despotism—the case which we encounter when we recur to the conditions under which our government arose. And all history has proven that, whatever may be said of its many benefits to the people, democracy has been the most difficult to maintain as a form of government, because political

power when exercised by the masses has been found more likely to fluctuate under the excitements of passion and the seductions of prejudice than the more conservative forces of mankind under monarchy or empire. The future will witness the effort of man to discover in himself that intelligent restraint which must become the determinate factor in the perpetuation of free government.

For in the end we are brought to the question, will the citizen learn that permanent government means calm and unprejudiced action in the emergencies of the times, and that that means ability to choose the right course and the willingness to seek it out for the country's welfare regardless of personal preferment or the passions of the hour.

Some may say that this is asking more of the citizen than the limitations of human nature can be expected to realize in solicitude for the public welfare. But as man realizes its necessity he will come nearer meeting the demand. He will sacrifice to the end in view. All signs which touch the inner consciousness of man under the wonderful developments in science which have lighted up the intellect and revived the soul in recent times point to the most vital fact of all—that man's quest for the truth in every domain of human action and manifestation is to be the salvation of peoples and through them of government. This grand process reveals man contemplating nature. His own qualities are thus exposed in comparison with that inscrutable yet tangible power of the Divine which created the material universe. And he will find as he continues to delve into these mysteries of nature which yield so much of certainty upon investigation, that all that there is in this world of ours which is worth preserving and perpetuating as a means of conserving human rights is the truth about man and things. And when that fact dawns upon his consciousness he

will know that all that man can do which is worth preserving as a memorial of his existence upon earth is what of truth he has been able to promote. He will know that every truth discovered or made plainer to mankind adds so much to the sum of human happiness. Last of all he will discover that to render probable or possible a permanent plan under which this process of practical man in communion with God can go on will be the triumph of all human action. And as the promotion of truth is the pleasure of all it is likewise the solution of the *rights* of all. And that government which progresses through the ages preserving the rights of all the people should come to be the acme of all human endeavor.

Pioneers of Hanson County: Think upon these things. They are part of the "eternal verities," and they are practical. You must help to preserve and perpetuate government in order to maintain home. Free government demands that as you value home for the sake of the virtues which crown it, you make a continuing sacrifice for country for the sake of the qualities of citizenship without which country cannot be preserved.

LOUISIANA PURCHASE EXPOSITION*

As general interest is becoming centered upon the centennial exposition to be held in St. Louis in 1903 in commemoration of the Louisiana Purchase a century ago under Jefferson's administration, the significance of that event to the country at large and to the states formed from that territory is becoming more fully realized. And as South Dakota lies directly in the pathway of the movements which led to the development of the greater part of that vast region, and within her borders occurred many of the leading events in the process of discovery and unfolding to the world of the resources of the country between the Mississippi and the Pacific ocean, the Louisiana Purchase exposition should appeal to the people of this State in a peculiar way. For the first time in the history of the United States a celebration which is in part the individual property of South Dakota is soon to take place.

St. Louis, the enterprise of whose citizens has brought forth the scheme of this exposition, is the seat of the activities which made possible the rapid development of the territory in question. Situated at the confluence of the two greatest rivers of North America, the fur trading period was her childhood and young manhood. There the initial points of the Santa Fe Trail to the southwest and the Oregon Trail to the northwest were substantially located, and from thence went forth up the Mississippi and the Missouri the river crafts of trade and commerce. Equi-distant with Chicago from this State, she is far more intimately connected with the beginnings of the history, exploits and pioneering of this region than is the city on the lake. Her wonderful resources of energy and capital, resulting largely from her

*Communication to the Pierre Free Press of Nov. 28, 1901.

heavy strokes in subduing the plains and mountains of the Northwest, are shown in the splendid array of finances involved in this project, for while sixteen millions had already been contributed to its promotion, it has now—to quote from a recent authoritative statement of one of the managers—grown “to an undertaking of fully thirty millions of dollars,” thus throwing into the shade the fabulous amount bestowed upon the World’s Columbian Exposition. And this means that the founders and builders of this enterprise believe that the mighty consequences of the event to be celebrated—its historic associations and import, will call together the new world and the old to witness the fruitage which one hundred years have garnered in the western half of the American continent. This is also the first time when a great exposition is so located geographically as to become symbolic of the whole country and every section of it, for the South and the far West will here have special representation, while every quarter of the country will be within convenient reach. Situated on the great waterway connecting her with the Gulf of Mexico, South America will be much nearer this exposition than she was to the Pan-American just ended.

But towering above every other consideration is the fact that the Louisiana Purchase exposition is to signalize the greatest event of our national growth, and the just pride of the West is to be felt in that within her confines is to be formally honored an achievement of the West, in the accomplishment of which the shrewdness of the representatives of France in disposing of Louisiana to the right party at the right time, the jealousy of rival European nations and the balance of power among them, were plays over which American strategcraft held the master hand; for the history of that purchase cannot be told without relating familiar chapters in the book of

diplomacy, the law of nations and the settlement of national boundaries involving four centuries of colonization; and its significance in point of our national destiny cannot be impressed in any other way so well as by a gathering and grouping of the marvelous products of soil, mine and handicraft now existing and which tell the tale of civilization and national grandeur better than armies and navies. And out of every contest growing, directly or indirectly out of the acquisition of Louisiana from that day until the northwest boundary question was finally settled, came forth our explorers and statesmen with laurels on their brows.

Here is the opportunity of South Dakota in the renewed lease of prosperity now smiling upon her, to exhibit to the people and the nations her resources as one among the leading candidates for patronage by agriculturist, stockman, capitalist, and all comers who are founders of homes. The unrivalled fields for general farming and dairying in the more eastern sections of the State, the famed ranges of the middle areas, and the untold and manifold riches of the mines and quarries of the Black Hills comprise so many excellencies that the people who have discovered and begun to utilize them have no valid excuse for withholding the exhibit of them at an exposition which cannot be truly characterized without them. The facilities which will be afforded the various states by the exposition management will be such that no great expense need be incurred in a proper representation from South Dakota; the cost will be comparatively trifling, and it is believed that no citizen, weighing the importance of this subject, will fail to see that the advantages resulting from representation at St. Louis must render the question of expense a secondary one. The subject is one which merits discussion by our people in the near future.

PART II.

Campaign Speeches, Addresses
and Papers

UPON

Political, Politico-Legal and Patriotic
Issues and Topics

THE RELATION OF THE CITIZEN TO PARTY GOVERNMENT*

Fellow Republicans and Citizens of Hughes County:

Upon the occasion of holding the usual convention at the formal opening of a campaign, being the fifth since my present relations as chairman of the central committee began, I have felt that it might not be out of place, even at the risk of imposing upon the time and patience of this convention, to make some formal observations upon the subject of party government and the duty of citizens relative thereto.

Let it be understood at the outset, that what I here state is the result of observation, experience and study during my life thus far, and embracing a residence in three states of the Union; and that to regard these remarks as intended to be applied specially to the immediate present, in county, state or nation, is to fail of comprehension of their meaning and purpose.

A political party in this country may be defined as a body of citizens formed upon two general ideas, one pertaining to the theory of the state and the essentials of government, the other to the interest of its members. The promotion of certain principles is supposed to be the ultimate aim of party, certain interests, bound up in the welfare of the state or some part thereof, being the mo-

*This address was prepared by the author as Chairman of the Republican County Central Committee of Hughes County, S. D., to be read at the county convention held at Pierre August 17, 1896; but owing to a press of other business its presentation before the convention was not practicable. It was published in the Pierre Journal of August 27, 1896.

tive power and suggesting its policies, as a means of promoting those principles; and in another sense and in a lesser degree, interest is the motive of preservation of party and its growth and supremacy in the affairs of state.

If these propositions truly sum up the premises, it follows that every citizen is not only interested in but bound to identify himself with a party organization; for if these great ends are properly within the scope of party action and attainment, every citizen, being interested in the results and effects of such action, is responsible therefor up to the full extent of his individual interest therein. And when I speak of his interest I mean his interest remote as well as immediate, and as running into the vast length and breadth of the possibilities of party action as it affects the physical, moral and political relations of the citizen to free government—a most momentous thing from any point of view, and from his every-day view a thing potent for good or ill to himself, his fellow citizens and his country.

While it is true that in all nations there are two contending theories of government always engaged in a more or less vital conflict for supremacy, it is peculiarly true of our own; the federal constitution being, in its essential features, a series of compromises upon the issues which were fought out in the federal convention; and from the time of the submission of that remarkable instrument to the good people of the States down to the present time the question of its construction and its balance, in preserving liberty and promoting happiness among the people, has been to some extent at issue, and is to-day as lively a subject of discussion and division at the hands of our citizens as it ever was. The fact that it was only after the most exhaustive exposition, criticism, and advocacy of its principles and purposes that it was

adopted and put into operation, nor the further fact that some phases of it have since that time been supposedly put at rest by something like general consent concerning their meaning, has not resulted in diminishing the necessity for special advocacy based upon diversity of belief and opinion. From these elements have sprung, and because of them there will continue to exist political parties and their resultant, party government, as that term is understood in our federal system, under that delicately poised basic law, whose harmonies are the wonder of the world, whose guaranties, in the last resort of encroachment short of revolutionary action, are the only absolute ones in defense of civil and religious liberty found in any constitution, written or unwritten.

Political parties, then, are necessary, and the citizen must identify himself with one of them, and actively assist in promoting its principles and ends, or be guilty of shirking a responsibility which, if not discharged, will certainly result in time in the defeat of those principles, and through them, of the great ends of government itself. It is a plain conclusion from the premise that liberty is preserved through party government, that the neglect or evasion of responsible action by the citizen means the gradual undermining of liberty's guaranty. Just in proportion as the ground occupied by the freeman is deserted it is occupied in turn by the correlative force which ever operates to crush out liberty, whatever may be the visible form in which it appears. And the delinquent citizen, without knowing it, in effect invites the destroyer when he leaves that share of the cares of party government resting upon himself to the tender mercy of others.

If, then, it is through the operation of the great political parties that what we as citizens have and enjoy as our civil and political rights under the constitution, is preserved, what is the duty of the citizen in determin-

ing his line of action concerning his relation to party? It would seem to be, to first identify himself with that party whose principles and aims most nearly coincide with his own matured views in the premises. Having done that, it would seem equally clear that he should consider that party as an organization in whose welfare he is interested to the extent of his individual responsibility as a citizen under and a promoter of the ends of government. Nothing short of this measures his duty, unless there be something of vital importance in promoting those ends not embodied in the declarations of faith of his party; and in that event, he is in the situation of either having identified himself with it while cognizant of its supposed imperfections, or of having undergone an experience in common with his party associates which proved the necessity of embracing among those articles of faith the new element which was wanting. Upon either supposition he may be presumed to be resolved upon assisting in bringing about the desired party stand upon the supposed question of principle; for it is only in this way, and by the natural operation of matured public opinion, that parties keep pace with the march of political ideas, and of civilization. He is always bound to exert himself to aid in realizing, through the action of his party, those principles and policies which are its distinguishing features and because of which he joined it, and including the engrafting upon its body of the new-born elements which are in harmony with its genius.

But how is he to act out, in the long run, this immense responsibility? It would seem that the principle of action should be similar to that which, in other communities of interest and objective, proves successful. How does a family, a business concern, a municipal entity, or a great philanthropical society work out its ends? By persistently pursuing those principles and policies

which have proven in the experience of the past to be essential to the permanent good of each such organization. By a harmonious and consistent operating of the parts of the organic machinery. Not by promoting but by suppressing internal dissensions. Not by heaping upon some of the participants too great a burden of responsibility but by distributing the duties of the hour among the members. Not by undue assumption of benefits by any individual in the distinctive group, but by measuring to all their just dues. Not, indeed, by an insidious habit of desertion of responsibility by the rank and file of membership, but by a faithful performance by each, with an intelligent interest in the grand result. Not, in fine, by a dissolution of the ties of the membership itself, because of some supposed inability to agree upon a line of conduct or of action, but by a courageous resolve that out of differences shall come unity of action. These qualities are most valuable in extremities, and no less so in party politics than in other fields of activity. The partisan who aids in preserving his party when in the throes of advocacy for policy or principle, or in danger of betrayal at the hands of traitors or demagogues within its ranks, is nearer the point of true patriotism than is generally understood. He is a hero to whose memory less imposing monuments have been reared than are his deserts.

If these observations are correct, what political cowardice is sometimes manifested by the citizen in the battle for principle and policy! Having repeatedly, it may be, urged what he regarded, and what in fact may have been a wise course of action, without apparent avail, he gives up the contest and jumps at the conclusion that the end he seeks cannot be reached through the action of that organization, and he bolts, blindly believing that some other organization whose general aims and meas-

ures furnish no warrant of probability of accomplishing the desired end, will afford relief. At the crucial moment it was not the lack of ability, but of true courage and the undimmed hope that goes with that quality which failed him and marked him for a weakling in the emergency which alone tests the sterling parts of man. He wavered in the hour of his party's extremity when the combined efforts of himself and his fellows who are actuated by a like desire to attain the end in view, might have resulted in gaining something in the line sought for, though falling short of the whole; and he contributes towards rendering the effective force of his own element in the party less potent to work out that end in future. A like course in either one of the illustrative cases above instanced would have led inevitably to bankruptcy or to such a dissipation of the organized forces as to render impossible the very ends of the social, commercial or philanthropic society. His identification with another party simply subtracts from that which he deserted, the quantity of moral and intellectual force he possesses, in which it would have had greatest effect because of its kinship with the general character of that party's principles and policies; and he enters a society whose elements are strange to him, whose spirit, whose relation to the state of things, and whose whole line of policy (let alone its principles), are at variance with those of his former association. The principle or measure he so earnestly championed before he now finds farther from realization through the adversary party than it would have been, with renewed effort, in the ranks of the deserted party. He at last realizes that, however sincere he may have been, he in fact sinned away the day of grace when he abandoned a reasonable probability at home for what seemed to promise more in a new field abroad; and he is reminded of the Eldorado.

Another type of party adhesion embraces those whose ambition to profit individually through identity with the organization outruns their desire to promote the just ends of party. They grow in time to abandon both the principles and policies of their party, and look chiefly to the promotion of self through operation of the organization. To the extent to which this practice goes, the essential life-principle of the party is left in the care of others; and as time goes on the ability of the latter to keep it in the true course diminishes; precisely as in a business partnership, the profligacy or carelessness of a partner weakens the concern in the two-fold sense of squandering assets and impairing management. In this process the time arrives when a struggle ensues between those who, grown strong by continual encroachment upon the regular and healthful expression of party action, seek to dominate its counsels, dictate its policy and usurp its management, and those who, still looking to the high and benign purposes for which the party was originally formed, realize that surrender of control to the former means defeat, for some period of time, of those purposes, derangement of party forces and all the train of evils following such a state. In such a struggle comes the real test of party patriotism. The citizen who, in such a case, fails in the exercise of that high courage which alone can avail to stem the tide of the invader, who gives up the fight upon the momentous issue at stake, is willing to see, and in the long run will see, his liberties waning, his birthrights impaired, his country imperiled. He may not realize it, but such is the real spectacle unfolded before his eyes.

It too often happens that in a contest of this character those self-seekers who care not to promote party for good government's sake, and who are worsted in the internal combat for supremacy, act upon the rule-or-

ruin plan, and leave the party, joining another which seems to promise better results in the direction of elevation to power and that dictation which alone furnishes them the motive for party affiliation. With the double purpose of getting office and revenging the imagined wrongs done them in their defeat in the old party, they are a perpetual source of agitation in the political arena, but seldom along lines which conduce to the benefit of any party. Their objective being spoils of office, and the exercise of power merely as a leverage to its own ultimate enlargement, they are a menace to good government and to effective and wholesome party action. The dangerous growth which results from the combined efforts of these elements in municipal, state and national politics, seems to be the serious problem in party management as related to government.

The inevitable tendency of these influences and motives is to carry parties farther away from their original moorings and to make them mere registers of the will of politicians, for personal ends. Let us analyze these insidious forces, in themselves, and in their effect upon the citizen, and let us then consider where rests the responsibility for these tendencies.

American oratory is a species which is the outgrowth of the political situation in the typical republic of the new world. The very foundation of our political system being the right of the people to govern themselves, and the correlative responsibilities of citizenship being enlarged accordingly, the necessities of the case evolved from the representative citizen a special product through constant training of his faculties in affairs of state; and the great democracy of America that lived and moved under the protection of the federal constitution soon found itself possessed of men who in the arena of political debate and party discussion, through their

efforts in speech, rendered the name of American citizen renowned among the nations of the earth, the names of some of whom have been justly placed alongside of the greatest of Britain's sons. Even the genius of Greece has been evoked for a standard of comparison, in giving the just meed of praise to some prodigies in our country's history.

Partly through a pardonable pride towards the splendid harvest of eloquence and oratory standing to the credit of our citizenship, and partly because of the supposed necessity for the cultivation of these attributes, it long ago became the popular idea among our people that he who could arouse an audience through powers of speech was, and deserved to be, on the high road to public distinction; and along with this idea ran another, that his usefulness and ability as a servant of the people was properly measured by the extent of those powers. There sprang up in time as the result of these ideas, another, that the American boy must be developed along those lines, if he were to prove in after life the real spark within him. The resultant was a certain peculiar respect, sometimes approaching a feeling more akin to worship, for him who could inspire the auditor under the spell of oratory, itself more or less inspired.

This potent influence has for many decades been the ruling principle of action in molding private and public sentiment and opinion. It has been so chiefly for two reasons: One, the intuitive knowledge of the dispenser of eloquence, of his potency in the premises because of his gift or accomplishment; the other, the inborn emotional or sentimental characteristics of the American citizen. The reason last assigned has proven in many instances to have been the active cause of the development of oratory. A sudden outburst of public sentiment, far from being matured, has been the fruitful occasion of

the display of incipient (in too many cases insipid) oratory, the motive of which is to appease the popular thirst for some natural vent to the feelings of the hour, or the exhibition of the orator before his admiring listeners, or both such purposes.

Owing to the profits which so logically followed to those who sedulously cultivated this particular field, there resulted a grand forward movement of a secondary class of stump speakers and would-be agitators, whose profession came to be rather to play upon the prejudices of well-meaning but misinformed citizens, than to build up healthy and stable convictions and beliefs. The outcome must have been to deepen those prejudices and blind the eyes to the real truth at the bottom of the questions involved. To the extent that such following and teachings left out of sight the underlying principles and the true policies of parties, have these influences operated to render party, as it was intended to be, less able to work out its legitimate ends; and to the extent to which they have subjected party discipline to the selfish and abandoned purposes of those demagogues who wield them, has the citizen lost his ability to impress upon government, through party adhesion, his individuality in securing those ends.

There exists another element in politics, closely allied to that which has just been remarked upon, which is less demonstrative but in some respects not less effective towards alienating the activities of party from their legitimate purposes. It is made up of a class of tacticians whose aims are substantially identical with those whose harangues deceive and beguile the citizen, as above indicated. Sometimes availing themselves of the results of the labors of their oratorical coadjutors, and generally by marshalling the forces of faction and by intensifying differences within party ranks, and, when occasion

seems to promise good results, even making alliances between factions of their own party and that of the adversary, they ply their nefarious practices for purely selfish ends, using the party machinery, either openly or covertly, to accomplish results. The range of political morals embraced by these operations extends all the way down from the adoption of measures and tactics concerning which true party leaders may honestly differ, to the level of the latest and most abandoned tricks of the "ward heeler." The term "practical politician" has sometimes been applied to the most respectable phases of this element. The effect of these influences upon the respectability of party standing and management, as viewed by the rank and file of party adherents, has been unmistakably to bring party organization and its results into disrepute at the hands of a large proportion of citizens composing the organization; so that in the great municipal centers in particular, where these exceptional practices are more prevalent, and where political corruption has, largely through such means, become so glaring as to be universally admitted and generally deplored, citizens have quitted their duty in disgust, and have on many occasions left the party craft, piloted by these abandoned forces, to its fate in a given contest with the elements naturally opposed to it; and the temporary party success which has sometimes followed, at the expense of party integrity, has not resulted in increasing respect for such leadership; nor have the defeats which have come later on as the logical result of that leadership. On the contrary the permanent effect seems to have been rather to create a stay-at-home contingent, and a disposition upon their part to divorce themselves, at discretion, from party affiliations.

Is it going too far to say that parties, under these circumstances, have not always been able to hold them-

selves as true to the polestar of their destinies as the broad-viewed lover of his country, the unprejudiced observer, could wish? Is it going beyond the range of probability to suggest that too much stress is put upon the supposed policy of adopting leaders whose qualities stop not at scruples, and the framing of party programs for success at the polls, rather than to carry out the essential and distinctive policies of party? Is it within the limits of proper inquiry to ask, are the rights and permanent liberty of the citizen endangered by these tendencies? Let him answer this question after a calm reflection upon the necessary relation, hereinbefore set forth, between party and country, and his necessary relation to both.

To the extent to which parties are betrayed by the reprehensible conditions herein treated, where lies the responsibility? There can be but one answer to this question. The repository in which power is vested in our political system, from which it is dealt out to those who for the time being exercise it, is, in the last analysis, the source of all wrong resulting from its exercise. That repository is the people. Dissatisfied citizens may wave the hand with the implication of a negative, and refuse to participate in holding up the hands of authority by promoting the efficacy of party, and plead justification because of the state of things. But in so doing they abandon the post of duty and responsibility. Nay, this does not fully define their delinquency. They render it impossible to have good government, for the time being, and as a remote consequence, to maintain stable government at all!

But if the people, that is, the great body of voting citizens, are responsible for the wrongs of government through party action, they are equal to the task of righting those wrongs, in any emergency. It becomes a ques-

tion of united action, and that only. When wrongs become so flagrant as to appeal to the mass of citizens for a remedy, that remedy has not been found wanting, in many crises in our country's history. But if this is true, with equal truth may it be said that wrongs may be prevented by the same means. Constant vigilance by the body of citizens will as certainly defeat the perpetration of gross practices such as have been the subject of discussion in this paper, as unity of action will defeat their permanent growth in a system. The citizen does not always realize this, or if he does, his business affairs so engross his time that not until public clamor awakens him to knowledge of accomplished wrong, is he moved to action.

There seem then to be two salient features of prevalent conditions in the relationship of citizen to party government as tendencies which the citizen should seek to eradicate; one, a proneness to adopt, without due consideration, the sophistries of designing self-seekers, proclaiming their doctrines or measures as necessary to save the country, while in truth, if analyzed, they are likely to prove to be impractical, or subversive of sound principles of government, and unworthy of adoption into party faith and policy. The other, an act of omission, the abandonment of the duty of party fealty and individual responsibility because of despair of reform of the forces in party leadership. The former tendency shows no lack of interest in public affairs, but rather an undue enthusiasm for the ideal, and lack of appreciation of the stability of existing policies; the latter exhibits an apathy which soon brings about indifference to those affairs, which in turn improves the opportunity for those in power to commit greater depredations upon party management and the public. This may pass for a kind of elevated patriotism, in the minds of some, but it is hard

to escape the conclusion that the elements of cowardice and baseness are its chief characteristics.

Citizens! The insatiable desire whose satisfaction is that menace which confronts you, as guardians of your country's liberties, is the desire for power. This explains the zeal of the advocate of unseemly doctrine, the maligner of the general order of things, the manipulator of party management. You are his instrument. He cannot dispense with your services. As he succeeds in gaining power by these means, he makes you his agent or his dupe. When the story of his abuse of power is told, it is the tale of his triumph over yourselves. When you attempt to lay responsibility for the results of his doings at some other than your own doors, you are in most cases pleading a causeless cause. You may, and therefore should attend caucus and primary, and have your voice heard in the initial steps, in the formulation of policies and the choice of candidates.

For like reason no election should find you at home. You are in possession of your senses and your judgment. Therefore require, as duty demands of you, that to the quality of special ability there be joined that of integrity in the representative who asks you to bestow upon him the priceless boon of your franchise. Let no minor differences prevent your joining hands to promote the general cause. Sulk not in your tent because of imagined inequalities in distribution of honors of war, but rise to the level of the occasion and do execution like true soldiers, bent only upon vanquishing the common foe, in a battle for the principles which divide citizens into parties and for the policies which should guide them, respectively. You have it in your power to determine what shall be the character of the conflict, within reasonable limits. Strive to keep it up to the plane of the manhood which you profess and which you ought to realize

in action. If corruption gains a foothold in the *morale* of your representatives in office, or in the methods of their advancement to office, remember that the stream can be no purer than its source; that in general that quality cannot exist in the representative citizen without having previously tainted some quarters of the rank and file. Look to yourselves, and consider first whether your example argues some degree of impurity in the fountain of power. Teach your boys that the road to honor and station among men leads not necessarily through the channels of official life; that to understand aright the duties of citizenship, their relation to government and what good government protects and preserves, and to act up to that understanding, is the highest virtue of the American citizen. Put forever behind you that spirit of cowardice which desponds at "the state of things," and proves in its possessor his unfitness for the duties of self-government. And remember that only by girding on the armor of vigilance and wielding the sword of action can American freemen preserve American liberty.

POLITICAL CAMPAIGN OF 1898*

On last 4th of July, in addressing a gathering of my fellow citizens, I gave expression to the thought that for the first time since the Declaration of Independence was adopted and promulgated to the nations of the earth, American citizens were celebrating Independence Day while carrying the ethics of Americanism into other lands at the point of the sword. That for the first time since the Civil War all American citizens from the Canadian line to the Gulf of Mexico were joining in formal and genuine observation of the occasion. That that was in many respects the most notable 4th of July our country has ever known.

From whatever standpoint the momentous events which have occurred since the last national election are viewed, the subject is one which inspires anew the patriotism of the citizen, while it brings to mind some new phases of what true patriotism means. The contemplation of this subject is of special utility to the voting citizen, in preparing him to perform with intelligence the duty of exercise of the franchise. While I am not so certain as some seem to be that all questions relating to the interests of the people in this country are decided by the ballot, the fact remains that where fair opportunity is given the voter to decide a question or policy at the polls, the verdict there rendered commands the ultimate

*The author's views upon the leading political issues of the campaign of 1898, from the standpoint of partisanship as well as from that of citizenship, were expressed in his campaign speech as found under the various sub-heads of this chapter.

respect of the whole people, and finally determines the issue.

Let us go somewhat into retrospect and consider the forces which were arrayed against each other in the last Presidential campaign.

The present Executive at Washington, one of the greatest and truly patriotic administrators the country has ever had, stood in the campaign of 1896 for all of the characteristics of his party. He stood for a protective tariff supplemented by reciprocity. For sound money and against all debasement of the currency. For maintenance of the gold standard. For preservation of the parity between gold and silver, and against free coinage of silver except by international agreement, which his party was pledged to promote. For the Monroe doctrine in staying the hand of European power in the western hemisphere. For the struggling patriots in Cuba, and for using the influence of our government in restoring peace and giving independence to the island. For enlargement of the navy to a point commensurate with the position and responsibility of the nation. For fair and generous treatment of veterans of the Union army.

The combination of forces opposing the republican party and its standard-bearer in that contest embraced every element of rampant demagogism which the stirring times of financial disaster and social unrest, then experienced, could bring together for an assault upon the national honor and the principal outworks of constitutional guaranty. That combination was a strange one, but no more so than were its professions and its aims. The party of theoretical conservatism, the Democratic party, had been captured on its own ground by advocates of startling, almost revolutionary radicalism. The demand for unlimited coinage of silver on a basis so widely variant from commercial values as to render it

impossible and ridiculous, was supplemented by an ominous threat against the federal Supreme Court; followed by the nomination of Mr. Bryan, whose logical position and whose professions marked him as the first demagogue ever endorsed as a Presidential candidate.* The Populist convention at St. Louis, in its rejection of the Democratic Vice-Presidential candidate (Mr. Sewall), and its nomination of Mr. Watson in his stead, and its endorsement of Mr. Bryan for the Presidency, completed that incongruous mass of elements under whose fitful and discordant exertions the contest in favor of sensationalism and against republicanism was made. No man ever performed the feat of deluding the people through the arts of harangue as did Mr. Bryan. No candidate ever found so little to his credit as the result of deliberate examination and dissection of his sophistries. Two years ago his every utterance was frantically listened to by crowds whose magnitude was only outdone by the enthusiasm which possessed them. Today his theories go a-begging for endorsers, his advocates for audience. One by one Populist leaders are found repudiating openly and pointedly his pet slogan of free silver at sixteen to one, while his only hold upon the Democratic party today is through the formality of a national organization, the majority of the rank and file of whose voters and former leaders are ridding themselves of all responsibility for his future candidacy or endorsement. And why is it so?

Because the sober sense of the people has finally

*This view of the Democratic candidate was sincerely held by the author during the campaign of 1898. An exceptionally broad and lively contact on the part of that candidate with our national affairs and with the world's progress since that time has, as is well known, resulted in his becoming far more conservative than his radical utterances and his attitude upon some issues in that campaign showed him to be.

settled down to the conviction that the creed in finance which he taught was bad on its face and dangerous in realization. Because that last bulwark of liberty and guaranty in the American system, the federal judiciary, could not be assaulted by prejudice, though speeding on the wings of oratory and declamation, without bringing down upon the heads of the assailants the righteous condemnation of American people. Because, contrary to the declaration of Bryanites, silver has continued to fall while wheat has doggedly refused to lend its aid to the pretended "deadly parallel," but has taken tremendous strides upwards. Because oats have respectfully but firmly declined to be sold at 8 cents. Because gold, though it was predicted by some that it would drive silver from circulation, or "strike it down," by others that it would become so dear that only the chosen few could obtain it, has willingly traveled with silver in circulation, and has increased in stock by one hundred and fifteen million dollars. Because interest rates are still falling, and both gold and silver can be borrowed in limitless amounts at a cost below that ever known before in the country's history. Because the Dingley tariff, supplemented by more prosperous times and marvelous expansion of trade under a republican administration, has revolutionized the balance of trade and resulted in an excess of exports over imports during the last fiscal year of six hundred and sixteen millions—the largest ever known and more than double the amount which Grover Cleveland had to borrow on bond issues to meet revenue deficiencies under the Wilson law in times of peace. Because labor is more largely employed and better paid. Because prices are higher and the whole people more prosperous. Because the most fateful war of recent times has been successfully waged by the young giant of the western world, against the most inveterate foe of

liberty, almost in the twinkling of an eye and without causing the least strain upon the finances or disturbing our financial system.

In what I have said concerning the late campaign of Bryanism I make no arraignment of motives. Prejudice, zeal for glittering theories, imagined grievances, unfounded suspicions of departments of government, even the insidious hatreds which the recent times have seemed to have awakened in the human breast, may all consist with honest intentions, if not always with commendable aims. But a prejudice which strikes at the Gibraltar of our liberties must soon, in a free and enlightened country, be dissolved in the search-light of reason. And a humbug in finance must soon be exposed under the joint operation of reason and current facts which prove its fallacy.

Added to the foregoing facts standing to the credit of the country and the present national administration, is one which crowns the whole array, and lights up the horizon of American citizenship with a new effulgence, which lends to American patriotism the higher element of solicitude for the oppressed of other lands, which in its manifestations has re-united our own country in bonds of fraternity and mutual emulation; which has made the "Star of the West" take on greater splendor and higher functions of guidance and guardianship among the nations. The war for Cuban freedom has been fought and won. Its career was a marvelous flight of the hosts of Mars across the firmament of mankind. In that flight those hosts have visited and kissed the hand of the oppressed in two hemispheres. All gradations of human condition and woe have been touched by the magic wand of America's brave and free in that clash of arms. The foe against which our country was arrayed personified the last lingering embers of ancient despotism in Europe.

"Spain and the Inquisition" was the dread form whose phantom receded as the spirit of Columbia advanced, presiding over her destroying angels on sea and land, and transforming them, the moment their wondrous destructive power resulted in victory, into hospitals of mercy for the enemy. No claims of non-combatants quite equalled the strains of blessings which floated up from the ranks of the Spanish prisoners when they discovered that our soldier boys and their officers were not cannibals. From being "pigs" in April, they became lions in July, and were lionized by the astonished foe. The fame of some of our heroes, achieved at Santiago and Manila Bay, is known in every land. Some other heroes whose sacrifices are here unknown and uncelebrated, whose miracles were witnessed only by the "Reaper Death," have been welcomed by the "great majority" beyond, in that assembly which heralds alike the fame of the lowly and the fortunate. Heroes there have been who saw not the enemy, but who faced in inhospitable climes and military camps the ravages of disease, and who sold their lives or sacrificed health quite as dearly as did some who met in battle Spanish bullets and sabers.

I should belittle myself, this intelligent audience, my state, my country, were I to claim that these great achievements should be credited to any political party. They are greater than party. They are greater than all political parties. Their significance and their consequence cannot be comprehended in the whole extent of our country as it existed before what is believed to have been the treachery under which the Maine went down had been revenged at Manila and Santiago. For in their unfolding the country has outdone and outgrown itself.

What I do claim is, that the Executive under whose administration these remarkable events have occurred,

upon whose shoulders the crushing responsibilities attending them have been thrown, has demonstrated in the highest degree the qualities of a firm, fearless, conservative and yet brilliantly aggressive commander. He has so well performed his part in the sudden gathering of a mighty army and navy, and in the hurling of them without a moment's preparation against the proud and insolent oppressor of Cuba, crushing forever her power in the western hemisphere, that in the universal endorsement which he has received party lines have been forgotten. Indeed, he has wrung from political adversaries some of the very jewels in the diadem of praises already crowning his fame as helmsman of the ship of state. But in his firm, patriotic stand against the declaimers in Congress who would have war without war's instruments; in his statesmanlike preparation for the coming conflict in sounding foreign courts and paving the way through diplomacy for the American advance on Spain without trouble with other nations; and in his insistence upon refusal to recognize Cuban belligerency, thereby leaving the United States free to strike the blow for Cuban freedom without being hampered by insurgent policy or dictation, or the grave obligations incidental to Cuban belligerency, his fame, his real abilities shine forth with equal brilliancy. All honor to William McKinley, the civic hero of the Spanish war!

THE FEDERAL JUDICIARY

The Populist platform contains this language:

"We regard the life tenure system in our federal judiciary as subversive of liberty, and we demand the election of members of the United States Supreme Court for stated terms by direct vote of the people."

The Democratic utterance upon this head is more conservative, favoring limitation of the tenure of office

to eight years, and urging an amendment to the federal constitution accordingly.

The Populist declaration touches both the tenure of office and the manner of selecting the judiciary. The milder recommendations in the Democratic platform argue, perhaps, some caution resulting from the reaction of that party and the decided stand taken by the whole country two years ago, against the revolutionary fulminations of the Chicago platform and the bold rantings of its adherents over the income tax decisions.

I regard this subject of attack of the federal judiciary, and the proposed invasion of the constitutional provisions surrounding that department of the federal government, as the most important internal question now before the country. Its serious consideration is therefore demanded.

The federal judiciary plays by far the most important part taken by any bench of judges in Christendom. Its position in the federal system itself is unique. The place it occupies in our government was deliberately made for it by the great and far-seeing statesmen whose handiwork is seen in the framing of the Constitution. That place was and is essential. No sooner had the great cardinal principles of the American governmental system,—that of co-ordinate departments—been determined upon, than the most vital point in the problem of preservation of civil liberty was arrived at. If, said the framers of that instrument, in effect, we vest all *legislative* power exclusively in a separate department, the legislative, and all *executive* power in a second department, the executive, so that one independent power shall make, and another execute the laws, then it becomes necessary to vest in a third, the *judiciary*, the exclusive and independent power of interpreting the laws, and of comparing them with the constitution, and of judging what the constitu-

tion itself is and means, when brought in question in determining rights under existing laws. As this government is to be a constitutional one, and the rights thereby conferred must be *guaranteed*, and not merely *declared on paper*, there must be a power lodged somewhere in the constitution itself to adjudge as between parties, and between persons and governments, on all questions of right pertaining to life, liberty and property. And that power, in order to be effectual, must be armed with weapons by which to enforce its decrees. And in order that that power may do these things, at all times and under all circumstances, so as to protect citizens in their rights, in storm as well as in sunshine; amid the clamors of public excitement, as well as in the halcyon days of public calm and contentment; under the lowering clouds of impending anarchy, and the beaming smile of law-abiding manhood; in the dread night of insurrection, and the bright day of patriotic submission,—it must be placed upon a rock of safety, beyond the reach of public prejudice and passion, where it may exercise its functions, perform its duties, and decide issues affecting rights, without fear or favor, without thought of being set upon and thrown down by that prejudice or that passion, or even by momentary public indignation, because of its decrees, or their enforcement. For it will be the last stronghold to be taken by the enemy of liberty and government, as it will be the resort of the tempest-tossed and despairing suitor for redress when all other avenues of safety are closed to him.

Those builders of the American edifice of federal refuge of longing humanity, constructed as one series of apartments therein this deciding, this enforcing power. They performed that essential duty. They did nothing more. That power is at once the spirit without which

the family gathered within that edifice could not live in harmony, and the preserver of the structure itself.

Fellow-citizens, do you know that the Federal Constitution is the only one in the world under which civil and religious liberty are absolutely and effectually guaranteed? Do you know that those guaranties are made effectual only by and through the decisions of the federal Supreme Court? It is even so.

The much-vaunted British constitution—next in excellence to our own—is indeed founded on magna charta—on many charters of liberty. But under it the British subject has no guaranty of right in the American constitutional sense. The House of Commons can flout his claims at any time, and without violating the British constitution. Nothing but precedent and the force of public opinion can stop it. But these are not guaranties.

Let us see how the leading minds in the federal convention reasoned together in fashioning the judiciary clauses of the constitution.

Alexander Hamilton, in his Sketch of a Plan of Government, presented to the Convention, embodied in the 7th Article, the following:

“VII. The supreme judicial authority to be vested in judges, to hold their offices during good behavior with adequate and permanent salaries.” (Elliott’s Debates, Vol. 5, p. 205.)

The Committee of Detail, in their report of a plan of government, proposed the following provisions in Sec. 2, of Art. XI of the plan:

“The judges of the supreme court, and of the inferior courts, shall hold their offices during good behavior.” (Id. p. 380.)

“Mr. Dickinson moved, as an amendment to Art. II, Sec. 2, after the words “good behavior,” the words,

“Provided that they may be removed by the execu-

tive on the application of the Senate and House of Representatives."

"Mr. Gerry seconded the motion."

"Mr. Gouverneur Morris thought it a contradiction in terms, to say that the judges should hold their offices during good behavior, and yet be removable without a trial. Besides, it was fundamentally wrong to subject judges to so arbitrary an authority."

"Mr. Sherman saw no contradiction or impropriety, if this were made a part of the constitutional regulation of the judiciary establishment. He observed that a like provision was contained in the British statutes."

"Mr. Rutledge. If the supreme court is to judge between the United States and particular states, this alone is an insuperable objection to the motion."

"Mr. Wilson considered such a provision in the British government as less dangerous than here; the House of Lords and House of Commons being less likely to concur on the same occasions. Chief Justice Holt, he remarked, had successively offended, by his independent conduct, both Houses of Parliament. Had this happened at the same time, he would have been ousted. The judges would be in a bad situation, if made to depend on any gust of faction which might prevail in the two branches of our government." (Id. p. 481.)

"Mr. Randolph opposed the motion, as weakening too much the independence of the judges."

"Mr. Dickinson was not apprehensive that the legislature, composed of different branches, constructed on such different principles, would improperly unite for the purpose of displacing a judge."

"On the question for agreeing to Mr. Dickinson's motion, it was negatived.

"Connecticut, aye; all the other states present, no.

"On the question of Article II, Sec. 2, as reported,—Delaware and Maryland only, no." (Id. p. 482.)

In the report of Mr. Brearly, from the Committee of Eleven, the provision for appointment of federal

judges is found in a proposed amendment, which provides that the President

"Shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, and other public ministers, judges of the Supreme Court, and all other officers of the United States, whose appointments are not otherwise herein provided for." The treaty-making power was also embraced in the proposed amendment.

Upon the above clause for nominations, etc., being reached for debate,—

"Mr. Wilson objected to the mode of appointing, as blending a branch of the legislative with the executive. Good laws are of no effect, without a good executive; and there can be no good executive without a responsible appointment of officers to execute. Responsibility is in a measure destroyed by such an agency in the Senate."

"Mr. Pinckney was against joining the Senate in these appointments, except in the instances of ambassadors, who, he thought, ought not to be appointed by the President."

"Mr. Gouverneur Morris said, that, as the President was to nominate, there would be responsibility; and as the Senate was to concur, there would be security."

"Mr. Gerry. The idea of responsibility in the nomination to office is chimerical. The President cannot know all characters, and can therefore always plead ignorance."

"Mr. King. As the idea of a council, proposed by Col. Mason, has been supported by Mr. Wilson, he would remark, that most of the inconveniences charged on the Senate are incident to a council of advice."

"On the question on these words in the clause, viz.,

"He shall nominate, and, by and with the advice and consent of the Senate, shall appoint, ambassadors, and other public ministers and consuls, and judges of the Supreme Court,"—

"It was agreed to, nem. con., the insertion of 'and consuls' having first taken place. (Id. p. 524.)

From this record of debate and proceedings it will

be seen, that no one in the federal convention objected to the tenure of office of the federal judges being continued during and conditioned upon good behavior. No one proposed a stated term of years. The only point upon which opinions differed was touching the mode of removal from office; and upon that point Mr. Dickinson stood alone, except that Mr. Sherman supported him, and Mr. Gerry merely seconded his motion; while such great names as Judge Wilson, Gouverneur Morris, Mr. Rutledge, and Mr. Randolph opposed that mode of removal; the entire vote, excepting only Connecticut, was against the Dickinson motion. And the whole convention except Delaware and Maryland sustained the article as reported.

And when it came to the mode of appointment, the only objection raised to the President being, with the sanction of the Senate, the appointing power, was that the *President alone*, without the aid of the Senate, should appoint, because then the responsibility would rest upon him alone. Upon this point Gouverneur Morris well said that "as the President was to nominate, there would be responsibility; and as the Senate was to concur, there would be security." And when it came to a vote upon this clause as it stands in the constitution, *not a single vote was recorded against it.*

Why did not some member of that high and fateful convention, in whose hands such burdens of responsibility for the future of free government in the western world were placed, insist upon limiting the term of office upon a stated period of time? Why did not some other member protest that the people, not the President and the Senate, should have the power of selecting those judges?

My answer, in addition to what I said in the outset upon these points, may be summed up in two quotations,

one from the ablest constructive statesman of the constitutional period, the other from the most enlightened and practical reviewer of the American system from the European standpoint.

Alexander Hamilton, advocating in the "Federalist" the ratification of the federal constitution, says:

"Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be the least in a capacity to annoy or injure them. The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse. * * * This simple view * * * proves * * * that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments; * * * and as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its coordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security." (Page 483-4.)

And again (p. 487): "This independence of the judges is equally requisite to guard the constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and

serious oppressions of the minor party in the community." And, speaking of the integrity and moderation of the judiciary, he says:

"Considerate men, of every description, ought to prize whatever will tend to beget or fortify that temper in the courts; as no man can be sure that he may not be to-morrow the victim of a spirit of injustice, by which he may be a gainer to-day. And every man must now feel, that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence, and to introduce in its stead universal distrust and distress."

Prof. Bryce, in his "American Commonwealth," thus speaks of the Supreme Court of the United States:

"The Supreme Court is the living voice of the constitution—that is, of the will of the people expressed in the fundamental law they have enacted. It is, therefore, as some one has said, the conscience of the people, who have resolved to restrain themselves from hasty or unjust action by placing their representatives under the restriction of a permanent law. It is the guarantee of the minority, who, when threatened by the impatient vehemence of a majority, can appeal to this permanent law, finding the interpreter and enforcer thereof in a court set high above the assaults of faction." (P. 272, Vol. I.)

If the actual experience of the people under the federal constitution, concerning the federal judiciary, has proved one thing more plainly than another, it is that public excitement and prejudice against that department of government, because of momentary disaffection over its decisions, shows how well the architects of that instrument knew what they were doing when they refrained from placing the selection of federal judges in the hands of the people. It has been shown that the unbiased and un-coerced performance of duty by those judges required that they should not be obliged to keep an eye on their re-election while dealing out justice between parties, one of whom had the public with him, the other

against him. The same argument proves the wisdom of basing their tenure of office upon good behavior.

For all these reasons, I am decidedly opposed to disturbing the present status of the constitution relative to either the tenure of office, or the mode of appointment of the federal judiciary. Actual experience has strongly reinforced the wisdom of its founders in this respect. Prejudice and passion have given rise to the declarations found in these platforms. Reason and reflection will stay the hand of those disturbing elements, which know not what they do.

EXPANSION

The Republican declaration upon the subject of what is currently understood by the word "expansion," is:

"While not believing in a career of conquest for our republic, we favor the extension of the nation's influence in the interest of peace and enlightened government."

The Democrats endorse what they say was the firm stand of the Democratic minority "against the policy of the Republican party in its efforts toward imperialism through colonial expansion."

The Populist platform contains no expression upon this subject, unless its demand for a termination of what it declares was a war waged in behalf of the oppressed people "of Cuba and the Philippines," as quickly as possible after the purpose thereof shall have been accomplished, can be construed as announcing a policy upon the subject.

No one can fairly say that the Republican party or the national administration has committed itself to a policy of colonial expansion, inclusive or exclusive of "imperialism." The administration has simply recognized the facts which the war brought into existence, directly or indirectly. That war was waged, not for

colonial expansion, nor in behalf of "the oppressed people of the Philippines," but solely to free Cuba and drive forever therefrom Spanish power. Even as to Cuba, President McKinley explicitly stated in the ultimatum to Spain, after stating as explicitly that the sole purpose of the government in demanding the withdrawal of Spanish troops from and relinquishment of Spanish authority over the island was the pacification thereof,—that the United States "asserts its determination that when that is accomplished it will leave the government and control of the island to its people under such free and independent government as they may establish." Congress passed a resolution of similar import. The protocol signed at the end of hostilities provides in Article 1:

"Spain will renounce all claim to all sovereignty over and all her rights in the island of Cuba." Article 2 cedes to the United States "Puerto Rico and the other islands which are at present under the sovereignty of Spain in the Antilles, as well as an island in the Ladrone Archipelago, to be chosen by the United States." Article 3 provides for "occupation and retention by the United States of the city, the bay and the port of Manila" pending the conclusion of a treaty of peace, which shall determine the control and form of government of the Philippines." Article 4 requires that Spain shall "immediately evacuate Cuba, Puerto Rico and the other islands now under Spanish sovereignty in the Antilles."

HAWAII

The only act which has been performed under the present administration which can fairly be regarded as within the scope of territorial expansion is the annexation of Hawaii. Whether the annexation of those islands became an accomplished fact through the stress of the war with Spain and because of the belief that the possession and control of them and their ports and harbors

would strengthen our military arm in the Pacific against encroachment by Spain, remains to be seen.

I want to say frankly that for myself, I was opposed to Hawaiian annexation before the war with Spain was begun, and have not yet come to the conclusion that annexation was justified, though accomplished during the war. I will add, that I opposed Hawaiian annexation before the Spanish war because I believed that to bring those islands within the territorial limits of the United States would constitute the initiation of a policy contrary to the traditions of the founders of our government and the fundamental principles which have governed the people of the United States under the American system, and because such tendencies were contrary to the spirit of the Monroe doctrine. In other words, that such acquisition would necessarily lead to further possessions even more remote from our continental shores, with incidental outlays of immense proportions for defensive and offensive action, and that our country would thereby become involved in European and Asiatic entanglements against which our forefathers had expressly warned then existing and future generations, which warnings have been constantly kept in view and relied upon when in later generations the question of development of that system upon its own basis has been discussed and acted upon. That such departure might, and as I believed would lead to the institution of a new general exterior policy by our government, based in a dangerous degree upon military considerations, which in turn would lead to a gradual undermining of the distinctive and essential foundation-rock of the whole American structure as laid in the beginning,—that of the policy of peace with all nations, and abstention from participation in the old-world political system.

But the annexation of Hawaii was not made a party question. In its nature it appealed to men in a higher, or a different sense than that of party. Those who did not take their stand upon it from the broad considerations of national welfare, or national destiny, did so chiefly in the somewhat narrower cause of commercial supremacy. Commercial considerations no doubt entered largely into the final solution of the question in Congress.

Back of all this—perhaps I should say the cause of all this, the reasons leading up to the attitudes assumed by those who favored annexation,—were the historical associations of our country with the development and the destiny of the Sandwich Islands, as they were usually called in former days. Nearly half a century ago ties were formed which took expression in a desire by the Hawaiians for annexation to the United States, and negotiations to that end were had in the fifties. Our statesmen, including Daniel Webster, and Henry Clay in the earlier days, and Seward, Blaine and Harrison more recently, took the ground, officially and otherwise, that any interference by foreign powers in the affairs of those islands looking either to sovereignty or control over them would be considered an unfriendly act toward our government. In December, 1842, Hawaii applied to the United States for recognition; and Daniel Webster, then secretary of state, announced the attitude of the United States towards the Hawaiian Islands, to the effect that we would oppose their seizure by any foreign power, and that our government would respect their independence. England seized them in 1843, whereupon our then secretary of state notified our minister at London that owing to the peculiarly close relations between Hawaii and this country we would, if necessary, resort to force to prevent its retention by any

European power. England afterwards withdrew her hand from the islands. France repeatedly attempted to take possession of them. In 1851 Webster, secretary of state, instructed the American minister at Paris to inform the French government that the further enforcement of the French demand against Hawaii "would be tantamount to a subjugation of the islands to the dominion of France," and would "tend to disturb our existing friendly relations with the French government." In consequence of this protest France likewise relaxed her claims. In 1851 the islands were again offered to this country by Chief Kamehameha. From 1842 down to the present time nine Presidents have declared and enforced this policy of non-interference by foreign powers, and within the past four years both Houses of Congress have declared that any interference in the affairs of the Hawaiian Islands by any foreign power would be considered an unfriendly act toward the United States. Four times within that period foreign powers have seized the islands, Great Britain once, France twice, and Russia once; and their permanent occupancy by one or the other of those powers was only prevented by the prompt enforcement of our policy above outlined.

I shall not attempt to follow in detail the events of the present decade relative to those islands and the part taken therein by our government, as they are too well known to need rehearsal here. Suffice it to say that Liliuokalani, who was proclaimed Queen on the death of her predecessor, Kalahaua, was chosen under a written constitution; that her reign was a turbulent one, under which it is claimed that she violated the constitution in the manner of selection of her ministers, various cabinets succeeding each other in quick succession. Finally she declared her intention of proclaiming a new constitution under which she would have been virtually a dicta-

tor, the legislature itself being, thereunder, a creature of her will. Her ministers, however, refused to go with her to such mad lengths. In the investigation made by our government into the affairs of the Hawaiian government at that time, a committee of the Senate found in effect that by those usurpations that Queen had ceased to reign. A committee of safety was formed at Honolulu, a provisional government formed which was recognized by all foreign governments except England; and under that provisional government a commissioner was sent to the United States to negotiate a treaty of annexation. The events occurring under the last Cleveland administration, the withdrawal by him of that treaty and the sending by him of Mr. Blount, clothed with extraordinary, and as seriously claimed by those high in authority upon the subject, unconstitutional powers of investigation into and reporting upon the condition of affairs in Hawaii; the making of a report by Mr. Blount in which he went into the nature and character of the new government there, claiming that it proposed to substitute republican for monarchical government, and to deprive the Crown of the Hawaiian Islands of its ancient prerogatives; the subsequent message of President Cleveland to Congress announcing his intention of restoring the former Queen, Liliuokalani, to the throne, and claiming that our federal troops had landed at Honolulu to assist in securing the overthrow of that Queen's government, and not to protect American life and property; Secretary Gresham's letter to the President in support of the latter's policy; the President's instructions to his newly-appointed Minister to Hawaii, Mr. Willis, in furtherance of that plan; the cold, heartless and tyrannical reply of the old Queen to Minister Willis' proposal of the President's plan, that the laws of her government required "that traitors shall be beheaded

and their property confiscated," and his amazement at the thought that the American President must, in order to carry out his policy, aid and abet such iniquity; Minister Willis' communication of those extreme proposals to Mr. Cleveland, and the instructions of the President in reply, to the effect that "should the Queen accept conditions and the Provisional Government refuse to surrender, you will be governed by previous instructions;" the placing of the remarkable document, drawn by Wilson, the old Queen's promoter, in Minister Willis' hands, outlining her intentions to be to have the American soldiers landed to compel the surrender of the Provisional Government, whose officers should be court-martialed, martial law proclaimed and the writ of habeas corpus suspended, and all arms found in the hands of prisoners or others in sympathy with the Provisional Government to be turned over to the United States by that government, and the exclusion of Americans from participation in the proposed ex-Queen's government; Minister Willis' persuasion of the ex-Queen to sign an agreement for amnesty to political offenders, and his subsequent inquiry of the Provisional Government, in the name of the United States, whether they were willing to abide by "the decision of the President;" the famous response of President Dole, accepting the decision of Mr. Cleveland declining to further consider the annexation proposition, his appeal to American history and American statesmen as being contrary to Mr. Cleveland's policy, and his manly and sound protest against the claimed right of our President to interfere in the domestic affairs of the Hawaiian Islands by force—an act against which repeated protests had been made generations before when foreign powers had arrogated to themselves similar claims of right; the practical ending of all negotiations for annexation, with those events,

during the Cleveland administration; and the late negotiations under the Hawaiian treaty, the various resolutions of Congress, and the final annexation proceedings through joint resolution;—all these facts are current history with whom all are familiar. I do not propose to analyze these various proceedings had under the Cleveland administration, further than to say that the policy of that President relative to the affairs of Hawaii, giving it a charitable construction as to its theory and admitting for argument's sake that there may have been some color of justification in his attitude concerning his claim that our marines were landed for moral or physical duress against the forces there at work to forestall the plans of the elder Queen, was without the least foundation in law wherein it sought by military force to destroy a provisional government recognized by all nations save England

Mr. McKinley, as is well known, was strongly in favor of annexation before he became a candidate for election. It cannot therefore be said that he was drawn into that policy because the exigencies of war made it popular or expedient. I grant that it may be said that until the Spanish war was begun the Senate did not favor the treaty for annexation. I grant also, that the means by which annexation was finally accomplished,—that of a joint resolution of the two Houses of Congress—constituted, in the minds of many, myself included, a precedent in the country's history.

But I am not willing to say that because I have not been able to bring my mind to endorse what has been done upon this subject, a wisdom far higher than mine did not enter into the decision in favor of bringing those islands of the mid-Pacific within the federal fold. Vast questions, involving mighty interests of the future, near and far, depended upon the issue. That those questions

were vast, that those interests were mighty, is attested by the fact that every political party represented in Congress furnished earnest advocates on both sides of the controversy. The President, the Department of State, and the Senate, all possessed information concerning immediate interests surrounding the question not yet known to the public. The House of Representatives acted with greater light than had been shed upon the general public, and its responsibilities were heavy. Is it fair, from any party standpoint, to assume, in view of all these considerations, and the great weight of the standing attitude of our government for half a century in favor of closer relations between the United States and Hawaii, that the decision rendered was not just and wise?

As to the territorial questions directly arising out of the Spanish war, they are, substantially speaking, exclusively of a strictly military character incidental to the exigencies of war, as regards the present status of things. The protocol to which I have just referred, and to which Spain is a party, clearly gives to the United States, in the usual sense of military conquests resulting from waging legitimate war, all of the late Spanish possessions in the West Indies except Cuba, and one island in the Ladrone group, such as our government may select. If the United States shall elect to stand upon all her rights as against Spain concerning the West Indian islands, and shall annex them all except Cuba, it is difficult to see how any fair claim can be made that a policy of territorial expansion furnished the motive or constituted the purpose of so doing. Opinions may and doubtless will differ as to whether we ought to annex Puerto Rico, with or without the consent of her people, and notwithstanding that particular case may be wholly one of mere election on the part of our government. But

the position of that island in the Carribean Sea and its relation to the course of ocean commerce as related to this continent is such as to furnish in itself a strong, if not conclusive reason why it should belong to the United States; the more so when the great question of protection of ocean traffic and our seaboard in that future, probably not far distant, when an inter-oceanic highway across the Isthmus of Panama shall be constructed under American auspices and control, is considered in the light of current events and the urgent demands of the world's commerce and community of interests. So much for Porto Rico.

As to Cuba, there is really nothing to indicate that the United States will endeavor to bring about annexation of that island, certainly not until nor unless her people shall have previously become so far competent to the responsibilities of self-government as to render such experiment feasible, and those people become willing to be incorporated into the federal union. Our government is pledged, in the ultimatum to Spain—and which was in a large sense a formal notice to all nations of the intent of our government—to leave the island to the free and independent action of her people, up to the point of absolute independence, once the power of Spain was withdrawn or driven out. And that pledge will not be broken, though years of military occupation and of American tutelage may become necessary to the education of Cubans for the trial of republican rule.

THE PHILIPPINES

With the Philippines the case, so far as control or possible absorption by the United States is concerned, is different. It is different in two essential respects. First, the terms of the protocol, as we have seen, leave the "control and form of government" of that group to the

forthcoming treaty of peace, to decide upon and formulate which the peace commissioners are met at Paris. Secondly, the location of the Philippines, their direction and remoteness from the American continent, and their dissociation from any necessary development of the American system and the perpetuation of liberty in the New World, place them outside the pale of influence and consideration, in the sense in which the West Indian islands address themselves to the mind.

Manila was captured the next day after the protocol was signed but before the military authorities of either government at Manila knew that it had been executed. Whatever the legal effect of that fact might be in the absence of stipulation of the parties, the protocol itself gives our government the right of military occupation and retention pending the conclusion of the treaty of peace. But why did Spain grant that concession? Simply because Manila was already practically in the hands of our army and navy. There was no possible show of maintaining the defense of that city for any length of time when the protocol was signed, and the whole civilized world was aware of that fact. The event of her capitulation the very next day, and of our military forces having in fact struck the decisive blow which led to her downfall before the protocol was signed, proves that in stipulating for occupancy and retention by our forces the Spanish government was really only recognizing facts already accomplished. And while the protocol does not in terms confer any right of permanent occupancy or control, or sovereignty upon this country, and while all of those questions are expressly made subject to the joint determination of the belligerent parties, as between themselves, still the fact of that occupancy and retention under that stipulation, and the military events connected therewith, doubtless confer upon the United

States permanent rights, under the law of nations and of military conquest. Our government will not, as it cannot afford to, attempt to arrogate to itself claims over the Philippines not warranted by the protocol and the facts upon which it is based, though the fate of the whole group be now in the hollow of the hand of the young Colossus, the late victor in the great cause of foreign emancipation.

This whole question is one which in my judgment is by far the largest one now before the country and relating to its exterior policy and welfare. It cannot be fairly considered on its merits in any party sense. One must rise to the full height of country to survey it. And I may add that that survey must be from the summit of our country as it now looms up in the light of recent events. Citizens of all parties may well differ in its consideration—it is well, indeed, that they may and do. Upon its determination, in my judgment, depends more, for weal or woe, concerning American citizenship and the preservation of liberty under the federal system, than upon any question, foreign or domestic, which our western civilization has thus far been called to decide, not excepting the great Civil War. For had that conflict ended in disunion, reunion would in all probability have resulted in the inevitable operation of American genius in free government, through mutual desire arising from experience and reflection, internal or external disaster to the weaker of the two dissevered forces, or re-conquest by the stronger—in either event a federal republic essentially the same as the original, or modified in the direction of larger local powers in the state elements, would have been fashioned by the hand of destiny. Such a process must have been a lesson to the reorganized and reinvigorated republic which would stand as an unerring guide for centuries. In its operation the differing

exponents of the "constitution as it was" would have constantly expounded the theories of its founders according to their respective faiths; a frequent recurrence to its original principles would mark the course of advocacy; how best to preserve liberty and equality would be the very destination of argument.

But if this nation shall diverge from the course marked out by those who laid its foundations, by absorbing outlying territory in the spirit of either aggrandizement or domination abroad; if it shall travel beyond the destined theatre of action as demarked and limited in the principles which made its foundations a possibility in architecture; if from being master of a new principle, in a new world and for a new end under federal government, it aspires to mastery in the old world by participation in its dominant politics or its permanent political system; if in the process of that departure the activities of government and the interest of our people shall become diverted from the American system in and for America to a "world-system" whose theatre is the world; if in the necessary development of that process the force of armies and navies shall become the successor to the power of dispassioned speech and the example of development under the presidency of peace; if the result of that digression shall be the gradual falling off of solicitude for individual liberty where first it found foothold between the two oceans, and where those whose dream created it decreed that it should live forever; if in the onward march of that erring spirit and the grandeur of the illusive view which novelty, expanding national power and ambition for empire shall reveal to Columbia, her vision shall grasp a new and strange entity which in time transforms her into a figure more seductive but less a guardian of right; if in this infatuation the poise of the federal system shall become disturbed, the fasten-

ings of individual liberty become loosened, and the desire for liberty itself become relegated to second place before the stalwart and insolent progress of power in the state,—if such a fate shall overtake this country, I know of no remedy short of a snuffing out of the light of liberty in a revolution which in its terror and duration will itself present a novelty in the career of the world.

Frankly, my fellow-citizens, I cannot but doubt at my own misgivings when this picture of what might possibly be is unfolded to my vision. It is all improbable—surely it is if citizens will now and hereafter do their duty by earnestly grasping current questions of means to an end, keeping constantly in view both end and means. The people of the United States have not yet had a fair opportunity of dealing with this great question as an issue. Perhaps a better opportunity than that now presented will not be afforded for years to come. But the very conditions surrounding the present status of the territory now thrown into our hands by the sudden vicissitudes of war precluded a preliminary decision upon the general question by deliberate discussion and the ballot; and the absence of a national campaign in which the issue may be made up and determined in the usual way adds to the difficulty of the situation.

But to recur to the Republican declaration in this state: It is expressly against the principle of departure to which I have referred. It limits extension of the nation's influence to the purposes of "peace and enlightened government"—precisely the ends for which our country so gallantly came to the rescue of Cuba.

The Republican party is not at this time committed to the policy of annexing the Philippines. I do not believe it will become so committed through the coming elections or in Congress next winter. If it shall do so, I for one shall not go with it, for I am opposed to bringing those islands into this Union.

POLITICAL CAMPAIGN OF 1900*

The affairs of the world are the affairs of the United States as never before in our history. The affairs of this country concern the world as never before in history.

Since the American people took up the cause of Cuba, the great Federal Republic has stood sponsor for the peace of the world in a sense never before realized by any nation in the world's history.

In the Orient the master hand of American diplomacy under the guidance of William McKinley, the man of peace and of action, is steadily working out the solution of great questions affecting the oldest as well as the latest civilizations. The part played by this country has been forced upon us by circumstance, and the keynote to our insistence in the right being done is, peace, peace to all nations and empires.

I have come to believe that these high functions have been cast upon the shoulders of this nation as the vanguard in the world's civic forces, in a new career of the world along lines of reason, compromise and of sheathing of the sword.

And if the signs indicate one thing more than another, it is that in the discharge of that mission the land of Washington is not forgetful of the admonitions of the Father of his Country. For the President and the state department are making it clear to all nations that in the settlement of the questions involved in the late

*The author's campaign speech in the political campaign of 1900.

Chinese crisis the United States, whose government is taking the lead in shaping the course to be pursued, will not stand for territorial conquest, and will keep free from entangling alliances with either European or Asiatic powers.

The country may congratulate itself upon the return of prosperity, and for the absence of all the dreadful results which the false prophets who bore aloft the banner of repudiation, assault upon the judiciary, and free trade in 1896 predicted if Republican policy and administration should be resumed. The return of Republican administration still means rescue from adversity in trade and industry. Continuance of Republican administration still means a guaranty of wages and safe returns for invested capital. The growth of our internal trade since the campaign of 1896 has been outdone only by the phenomenal expansion of our foreign commerce; and the balance of trade in our favor is so great as to be astounding in proportions, placing in the background all previous performances in our national history. Try to grasp the importance of the fact, shown by the official statistics, that while during the entire period from 1790—the beginning of our federal system—down to March 1, 1897, the excess of exports over imports was but \$383,000,000, yet during the three years from March 1, 1897—when McKinley took office—the balance of trade in our favor reached \$1,483,000,000, or more than four times the balance for the preceding 107 years. While labor is glad in its revelry in good fortune, American capital is steadily conquering the world in competition, has eagerly absorbed 2 per cent government bonds at a premium, and is to-day meeting English and other foreign demands for national loans, thus proving at once that our national credit is preeminent, and that New York City is becoming the world's clearing house.

All this has been accomplished amid greater feats in the contest for human rights. Through intervention for Cuban freedom quickly accomplished by our arms, followed by civic administration which is showing results in Cuban independence soon to become real; the guardianship of Porto Rico as new territory and her relief from the withering touch of Spanish oppression; the reduction of the Philippines, practically to the status of law and order, and the setting up in those islands of a stable government which vindicates the good faith and efficiency of the administration in sending to those shores the best and ablest men our country affords to take the helm in local government, and in lifting those people out of the mire of Spanish mal-administration and shaping their immediate destiny, while it invites native co-operation to the full extent of the Filipino to participate in government,—in these ways has the country of universal freedom startled the world by her solicitude, her generosity and her genius for emancipating peoples and races. The increase of the military arm during the process of ending the Spanish colonial system and of assuming guardianship over her former dependencies could bring fear to no one save an American whose habit of civic life had caused him to regard any standing army whatever as non-essential. For the army as it exists today is so small in proportion to our population that comparison of it with the colossal armies of other nations brings wonderment that we allowed it to dwindle to its size before the Spanish war.

OPEN DOOR

The principle of general free access to the treaty ports of China, known as the "Open Door" policy has been established through the initiative of the United States under the wise and far-reaching statesmanship

of the present administration. What this great accomplishment means may be best understood when we realize that the opposite principle meant the carving out of pieces of Chinese territory and the establishment by European powers of so-called "spheres of influence"—in other words, the partition of China among those powers in the name of trade. Through the open door policy this nation will participate on equal terms with those of the old world, without the aid of military power in securing a territorial foothold in China, as a preliminary. But without having sovereignty in the Philippines it cannot be safely affirmed that the United States would have possessed the fortunate advantage which gave her the controlling hand in bringing about the adoption of that policy. Mr. McKinley and his secretary of state struck this blow while the iron was hot. No such prestige was ever before exhibited by this government in international annals. What it means for the welfare of all nations in peaceful commercial competition and in immunity from military strife cannot be estimated at this day.

In the march of all these tremendous events occurring since the destruction of the Maine gave the signal for Cuban intervention, the whole civilized world has moved forward with a new impetus on a higher plane of inspiration. Does the American citizen realize that it is the wand of his own presiding genius whose potent sway has wrought, by magic as it were, this lifting up of all nations into the loftier atmosphere of liberty and peaceful competition, in the process which is logically the outcome of a resolve to rescue an island from Spanish tyranny? Can we face these events and comprehend that all other nations pay fealty to our own as the author of this great awakening?

THE PHILIPPINES—THE CONSTITUTION AND THE FLAG

We have heard much about the Philippines and im-

perialism, about militarism, and about the partnership between the constitution and the flag.

No man will deny that great questions concerning the immediate and ultimate welfare of the American people and of the Philippine islanders are involved in the late events of war and the results which have already grown out of it. All will admit that the transfer of the center of dramatic interest from Cuba to the Philippines, and the location in that quarter of the leading features of the outcome of that war was all unseen and unexpected when Congress and the President, backed by the whole people, declared upon forcible intervention on behalf of Cuban independence.

But the decrees of war are to-day substantially what they have always been—the enemy must be crushed by blows struck wherever they will hurt. And when the eyes of the Commander-in-chief of the army and navy and those of his board of strategy espied the seat of Spanish power in the Pacific in the harbor and city of Manila, every instinct of military conception decreed the destruction of the Spanish fleet in that harbor and of the army in that city. But this was not all that concerned those authorities. Under international law and existing treaties our government found it necessary to order the Asiatic squadron commanded by Commodore Dewey away from the harbor of Hong Kong, a neutral port, to some place of safety, or on an expedition against the enemy almost instantly after the declaration of war had been promulgated. The presence of a Spanish fleet at Manila was seen to be a menace to our whole Pacific coast; Dewey received and instantly obeyed the order to proceed to Manila and destroy or capture that fleet, and on May 1, 1898, he accomplished the feat of its complete destruction in a contest which is generally regarded as setting the highest mark on the scroll of fame in

naval warfare, and as having more to do with the world's future welfare than any previous naval event in all history. The future alone will tell whether this estimate is overdrawn.

The harbor of Manila was now in our hands, but not the city. Right here opinions and beliefs have differed as to what should have been done by the federal government after that fleet had been destroyed. While this question is now a purely academic one—our sovereignty having been extended over that city and those islands under the Paris treaty whose ratification was worked and prayed for by Mr. Bryan himself,—still it is worth while to consider whether any other course than that of a reduction of the city was advisable at that time. A large Spanish land force was stationed there, and Spanish garrisons were scattered over Luzon and other islands of the group, none of which had been subdued. We were at war with Spain, and not until months thereafter were the decisive land and naval battles in the Cuban campaign fought out to the point of reducing Spain to the signing of the protocol of August, 1898, nor is it at all probable that that protocol or any similar one would have been agreed to by Spanish authorities had it not become morally certain that the fall of Manila was a foregone conclusion.

Suppose Dewey had been ordered to set sail from Manila and the Philippines as soon as our government learned of his great victory there. Had he done so the Spanish army in Luzon would have remained complete master of the Philippines, including the port and city of Manila. The moral effect of such a surrender of military advantage as had been gained by Dewey, aside from its being a course never before pursued by a belligerent, would have been such as to certainly diminish the power of our

government in the eyes of the civilized as well as pagan world. All foreign powers would have united in wonderment at so strange a proceeding, which would have argued a want of ordinary appreciation by a belligerent of its great military advantage at Manila. But this is not all. It would have given every ambitious European power a rare opportunity to grab those islands, or divide them up between themselves, the chief harbor and commercial emporium of the group being now without the shadow of a fleet. Nor is this all. Enough is now known to show that the President in preparing the way for Cuban intervention without bringing on a conflict with neutral powers, had grave responsibilities on his hands, and one of the conditions which certain European powers vainly sought to impose upon our government in connection with that intervention was, that we should not molest Spanish power in the Pacific. Would those powers have failed, in the event of Dewey's sailing away from Manila, to take advantage of the opportunity of thus gaining the prize of the Philippines. But this was only one of the alternatives staring Mr. McKinley in the face at that moment. The sympathy felt by certain European powers,—notably France, Austria and to some extent Germany—for Spain in the issue of the war might in all probability take form in an alliance of one or more of them with Spain against the United States, at a time when Spain could point out to them the remarkably weak military policy of our government in thus throwing away the fruits of so tremendous a victory. Spain could say to them in effect, if this war goes on to a point where we must give up either Cuba or the Philippines, we much prefer that Europe, not America should take the Philippines, and you see that America does not intend to take them. If you will enter into an alliance with Spain against our enemy and we can thereby save

Cuba, we will give you the Philippines in reward therefor.

Remember that at that time no blow had been struck in Cuba, the only victory then won being this master-stroke of Dewey, and that the proposition then to be considered was, shall we give up the only advantage we have gained in this war, throw overboard its moral effect upon the enemy and the European powers who are eager to see us defeated, recede from the highest pinnacle of naval power ever gained by any nation, and scatter its fruitage to the four winds of the earth at the very moment when we most need it for all purposes. How can any American citizen seriously doubt that the course actually pursued was the only rational one in those circumstances.

Dewey remained there; and as land forces must be sent there in order to reduce the city of Manila, they were hurried across the Pacific to that point, under Gen. Merritt, and the city was carried by assault the day after the protocol of August was signed but before either of the combatants there knew of its execution. Meanwhile Dewey used the cable which the Spanish authorities had previously used, to keep our government informed of the situation there. It was the only adequate means of communication between Manila and our government while its control by us prevented Spain from knowing that situation.

But had Dewey been ordered away from Manila where could he have been ordered to go, unless to our Pacific coast? And why go there, now that all menace from a Spanish fleet was at an end? And what military strategy would have suggested sending him anywhere else in the Pacific? Let some critic of the administration answer some of these questions, not from the standpoint of to-day but from that of the day when Dewey,

having sunk the enemy's ships and having restored the Spanish cable, sent his government the news of his famous victory. And while answering them, let him imagine something of the responsibility resting upon Mr. McKinley and his country in the light of such a victory, the significance of which was being heralded through the wires and cables the world over as the great event of centuries. Let him consider that at that time no question of Philippine independence or autonomy was in the case; that Aguinaldo and his abettors of two years before had given up the then insurgent movement, had taken from the Spanish negotiator the money which was to them more alluring than freedom to the Filipinos, had left the islands and were enroute to Europe to enjoy their wealth while Spanish oppression held sway in the land of their late and fleeting adoption. And let him imagine that under the strain of his high functions William McKinley, President of the United States and Commander-in-chief of the army and the navy, and bound by every obligation of his oath and every implication of war's exigencies to make the most of every military advantage in a pending war, and to make this renowned victory an incentive to further feats of American foeman,—that the President sends this cablegram back to Dewey:

“The President and your countrymen return profound thanks to you and your brave men, while congratulating our country, for this great victory. But this government will not take the responsibility of occupying any part of the Philippines. You will instantly leave Manila and report at San Francisco.” Measure, if you can, the indignation with which such a policy announced at that time would have been condemned by every American from Maine to California; imagine Dewey and those stout hearts whose possessors shared the undying laurels of that fateful event in Manila Bay, preparing

to depart from those scenes in response to such an order, with not a blow struck at the enemy on land from north Luzon to Borneo; imagine the failing hearts of officers and men throughout the army and the navy upon being startled by such abandonment of rare advantage won in combat; and imagine the verdict of the jealous and sinister foreign powers at such abdication of the throne of high responsibility by a nation whose name among the nations had been established because of her willingness and ability to assume great responsibility.

AGUINALDO

Whether the man Aguinaldo was led by representations of other than Americans, as asserted by some parties who were on the ground at the time, to believe that his return to the Philippines and participating in military operations against Spain might result in his promotion to the head of another Filipino movement, is uncertain, as it is immaterial. Certain it is that neither Admiral Dewey nor any American civilian or officer ever gave him any assurance in that direction, much less to promise him or any Filipino any encouragement relative to Philippine independence. Dewey simply gave him some captured Spanish arms at Cavite, solely for the purpose of enabling him to gather Filipino forces in aid of the American war against Spain; and he and other Filipino officers secured other arms from Spanish garrisons in the interior and formed a considerable army, supposed at the time to be intended to co-operate with our own and with our fleet in the reduction of Manila. After Manila was captured the suspicions of our officers that Aguinaldo was playing a double game with intent to execute a movement to destroy all Americans and Europeans in that city and gain military control of it were verified. Before the capture of Manila he had

made trouble in insisting on having control of certain lines of attack, and was plainly told that all military operations would continue under the exclusive generalship of the Americans. After Manila fell and while the protocol prevented us from advancing beyond that city, he continued his tactics of treachery until, just before the ratification of the Paris treaty and suspiciously coincident with the struggle over its ratification, he forced an armed conflict with our outposts, resulting in his showing beyond all doubt his true colors of an antagonist against the United States, which attitude he has maintained ever since, if the present mystery as to his whereabouts can be called armed opposition. He is and has been from the beginning a mere soldier of fortune of the oriental type,—an adventurer who if his scene of action were on this continent would be known only as an instrument of treachery and brutality. Nor do these acts fully reveal his true character in all its salient outlines; for while posing as a friend of this government he secretly corresponded and negotiated with our open enemy, the Spanish authorities, for an alliance with them against the United States; thus proving in a single act his utter indifference towards the cause of Filipino independence or freedom, his duplicity towards our government, and his absolute abandonment of moral and military principle from every point of view. If, as some of his sympathizers profess to believe, he was at any time in good faith promoting a Filipino government looking to Filipino independence, then he as certainly proved himself a traitor to that cause later on, as he has all along shown himself to be a traitor to this government after having been armed by American authority for the American cause against Spain, in the outset.

The official reports of Admiral Dewey, of Gens. Merritt and Otis, and of the Philippine Commission, re-

inforced by other official and non-official proofs, show that the case against Aguinaldo as thus outlined is made out beyond all question. In a wild, desperate and unseemly attempt to prove the contrary, and to make out a parallel between this base adventurer and George Washington, with the ultimate view of making up public opinion in this country of intelligence and patriotism in favor of Filipino independence under this now invisible bushwhacker who dares not show his head to the civilized world, Senator Pettigrew on the floor of the Senate and in the public press is put to the necessity of flatly contradicting every American authority from the President down, and in quoting Aguinaldo and a few of his cohorts who by their acts have impeached themselves in every forum of human judgment throughout Christendom. There are citizens who seem to believe that there is or has been a meritorious contingent in Luzon favorable to Filipino independence; but I apprehend that the citizen who puts faith in Aguinaldo himself as a consistent leader of such a contingent will be hard to find. I apprehend, furthermore, that the number of American citizens who will put faith in the sincerity of Senator Pettigrew's loud, inconsistent, unseemly and un-Christian utterances in an attempt to exalt Aguinaldo and discountenance George Washington and his countrymen, and to show that Aguinaldo is ordained of God to teach the American people how to be just, how to interpret the constitution as to the "consent of the governed," and how to save this country from imperialism, will likewise be few and far between.

We had captured Manila, and the August protocol provided that we should hold that city until a peace treaty should determine "the control, disposition and government of the Philippines."

When the treaty was finally agreed to it gave us the

Philippines, the Ladrões and Porto Rico. And there is no difference between our title to all these islands and that of all other territory previously acquired by the United States. We had practically acquired it by arms, but we have a double claim to title by purchase as well.

As everybody knows, Mr. Bryan went to Washington and through his urgent representations to wavering Democratic Senators, did more to turn the scales in favor of ratification of the treaty than any other man in the country, except possibly the President.

If any one doubts the wisdom of taking over the sovereignty of all of the Philippine islands as the only rational way of terminating negotiations with Spain, let him read the proceedings of the Paris Commission, who heard testimony and gathered information from all available sources as to whether any portion of the islands could be taken,—or even harbor and coaling privileges—without taking the whole group, and as to what would be the probable result if only part of them were taken. The proof all went to show that one sovereignty must extend over all, or constant strife and frequent petty wars must be the result. That if a great power like our own should hold all, the question of government would soon be solved satisfactorily by simply meeting the needs of the people, and the situation as it presented itself from time to time in their development. The event has so far proved the wisdom of taking them all.

Who has heard any voice from the Philippines in protest against American supremacy, or against being governed without the consent of the governed? Has any delegation from the ranks of her people been sent to our government with any such protest, or asking for any redress of supposed grievances? Is there any movement on foot anywhere in those islands indicating a desire of the *people* to throw off the bonds which make

them subject to federal control? Any indictment declaring that the federal arm has traveled beyond the constitution, or that the flag is there while the constitution is not? Does any citizen think that the people of this state have forgotten that before our ancestors who framed our palladium of liberties, and followed its promulgation with armed warfare to make it a reality in government by overthrowing the sovereignty of the mother country, took that stand, they had for centuries been laying the foundations for the only free government that Anglo Saxons had builded; that they had proven themselves entitled to self-government by a long experience constituting a struggle for its realization; that they petitioned for redress, in the most humble terms; and that when they expressed in their fundamental law, the federal constitution, their ideal of a practical free government, it became and still is the wonder of the world, the abiding standard of supreme human wisdom in government making? And does he think that they do not realize how different is the case of these recently emancipated subjects of the oldest modern oppressor of dependencies, from that of either our ancestors or of any people on this continent who have become incorporated into the common body politic through the westward movement of American citizens and American genius for government?

All talk about the consent of the governed, by way of constitutional objection to setting up territorial government in the Philippines is futile in the light of all previous history of our territorial growth and its incidental government. I shall not assume that my hearers do not know that from Jefferson's time down to the present all our outlying territory has been subjected to systems of government more or less temporary according to circumstances, some of which gave while others with-

held a local legislature, and all under the control of Congress, or of the President as representing military government prior to action by Congress. That until civil government was instituted by Congress the President as the head of the military department was the constitutional governor of such territory.

And that is the way in which the constitution follows the flag over new territory, and always has followed it. The government can of course do nothing except under the constitution. Congress declares war. The military arm under the President as Commander-in-chief finds itself in possession of subdued territory. The flag is there and so are those provisions of the constitution which apply to the situation. But only the military provisions apply to territory held as the result of war, and the government is a military government. If held by treaty alone it is still under the control of the executive under those provisions of the constitution applying to territory thus acquired, including the military provisions, and it is still military government in contemplation of the constitution. Civil government can be established at any time by Congress, but no other power save Congress can do this, and until this is done the military government continues from necessity. When Congress acts it applies civil government to the territory acquired either by treaty or by military operations, and it does this solely under certain other provisions of the constitution applying to civil government for the Territories.

All that Mr. Bryan claims that he would or could do if elected to the Presidency is, that as President and for the time being charged with military rule in the Philippines, he would call Congress together and *recommend* to it a certain policy. He knows as does every man who has given any study at all to the federal con-

stitution, that Congress may act or refuse to act, as it pleases. There is no power under the constitution to coerce it. If it refuses the President is constitutionally bound to work out the problem of government and be responsible for it, in the given territory, until Congress does act. And it is constitutional military government all the time. The President may endeavor while so governing it to lay the foundations for civil government. Mr. McKinley has been diligently laying those foundations through the military authorities and civil commissions appointed by him, composed of some of the ablest and best men in the country. But so far as civil government there is concerned, it must either originate with or be approved by Congress before it is such under the constitution.

In other words, Congress is the sole power of determining what particular character of constitutional civil government shall be in force in a given territory not a State of the Union.

But it seems to be established by the courts that all of the provisions of the constitution which go to defend civil liberty as against federal or state encroachment, are in force wherever Congress has established civil government in the Territories. And when Congress acts relative to the Philippines civil government, the guaranties of civil liberty will be established there as elsewhere under the federal system.

There never was any insurgent government in the Philippines which had any basis among the people, even the Tagalogs of Luzon. The whole propaganda had its inception in the brains of Aguinaldo and his fellow actors in a scheme of purely personal ambition, and his so-called congress was his creation, using the alleged cause of Filipino independence as a mere pretext. No neutral power would have given the idea of recognition of it a

moment's serious consideration. Nothing but the terror of his guerilla bands created even the semblance of adhesion to his paper government among the people of Luzon, and events prove that nothing more than the release of his military tyranny over them was necessary to their free acceptance of our sovereignty, which they have fully recognized everywhere since that terror was removed.

The federal government has not, nor has Mr. McKinley acted upon any supposed plan of permanent retention of the Philippines. The future alone can determine whether such a destiny is in store for those people. All that the President has done is to spring to the rescue of those untutored children of the Orient who are for the time being under the care of the federal government; and he has applied every expedient known to our genius for government and for relief to helpless wards, in that process. He is establishing stable government there with great success, and the school, the church and the modern arts of industry go hand in hand in the work of regeneration. He says the purpose is to establish there a government "suitable to the wants and conditions of the inhabitants, and to prepare them for self government, and to give them self government when they are ready for it." This is all that Mr. Bryan professes that he will do at present if elected. He will recommend a stable form of government. That means government by Congress for some period of time. He would next recommend to Congress that they be given independence. Does he say when Congress should give it to them? No. He will not commit himself. Next he will recommend a protectorate over them after independence is realized. When? He does not say when, but says "while they are working out their destiny." We are now protecting them while they are work-

ing out their destiny, and we are helping them to work it out. He does not pretend that he would *now* establish a protectorate. But he would at some time give up our sovereignty and substitute that of the Filipinos themselves, and *then* the process of working out their destiny would begin, under our protectorate. He thereby admits that without our guaranteeing independence they could not maintain sovereignty, and that in working out their destiny they will need our protection.

PROTECTORATE

What is a protectorate? It is a solemn and burdensome compact with a sovereign power to guarantee against internal and external attack the sovereignty and integrity of the protected power before and against all other nations and in view of all possible internal dissensions. The protecting power does not administer the government of the protected power; that is in the hands of the latter. All the obligations incidental to sustaining the sovereignty must be borne by the guaranteeing power without having control of the machinery of the protected power. Consequently the exterior military forces essential to making good the protectorate must be so much stronger, while the ordinary military forces of the sovereign, necessary in the absence of the protectorate, might be wanting under such a system. Every sovereign must maintain, ordinarily, an army and navy for these purposes. But if it were understood in advance—as it would be under Mr. Bryan's proposition—that this country stood ready to protect the Philippines as an independent power, and to establish them in independence, would those people feel the obligation of first establishing an army and navy to protect themselves? And if so, how could they raise funds for that purpose if not while the stable government is being established by the

United States, and through taxation which Mr. Bryan calls "taxation without representation"? He would not have them invited towards the Union, so that taxation with representation would become their heritage. His platform says they cannot be citizens without endangering our civilization. On his own theory of their ultimate destiny, the only alternative would be to institute federal taxation sufficient to reasonably equip them for a state of independence, and to continue our sovereignty meanwhile.

But a protectorate over those islands would entail enormous expense and require a far larger army and navy than will be necessary to protect them under our sovereignty. Quarrels between the Sulu Mohammedan and the Tagalo may arise. Foreign powers would, under a protectorate, attempt through internal intrigue or direct attack to dis sever those islands or overthrow the government; and serious international conflicts must inevitably arise under such a system at the gateway of the Orient. This is obvious—it needs no argument to demonstrate it.

EXPANSION—PHILIPPINES.

Upon the subject of expansion, no American need be reminded that territorial expansion has been the principle of evolution under the federal system. When Jefferson purchased Louisiana a precedent of expansion was set which could have no parallel in any subsequent acquisition of territory. Florida's acquisition was accompanied by Indian revolt against the government. The case of Texas was one of acquisition after a transition from Mexican subjection to independence. The Gadsden purchase brought in foreign elements which it was predicted would be slow to assimilate with our national spirit and trend, and Mexican insurgent bands had to be put down

by the military arm. Oregon Territory came near being the cause of war with England in the process of settlement of our rights in that quarter. The Alaskan case was a departure from the general course, as to contiguous territory, and as to remoteness and the character of her population. Hawaii was a departure in a new and more material sense. Porto Rico is at our southern door in the Atlantic, where for generations the public eye has been set for future annexation.

If the acquisition of the Philippines had come about through direct purchase and as the result of previous deliberate policy, or by conquest in a war for that purpose, I could but regard the act as so vital a departure from the traditional policy of the American system as to be unwarranted. But neither the American people nor their representatives in the President and Congress formulated or carried out any such policy. The God of Nations ordained it. They fell to us as an incident unforeseen and uninvited. The sole question in accepting them was one of responsibility. To reject them was to shirk it. The American people know not how to shirk responsibility. Hence we accepted responsibility under the decree of Almighty God. By that responsibility we will stand, trusting to God and the American people to bring good out of it.

I was slow to reach this conclusion. I knew what it was to doubt, and doubting, I deliberated upon the actual facts as they developed. Those facts gradually dispelled doubt. I could not resist the final conclusion that no other course than that pursued in taking those islands would have comported with responsibility, and that in this case responsibility was policy.

It may be that the Philippines are too far away and too Oriental for assimilation into our national body. We can get along without them in developing Oriental

trade, much as they may be worth in promoting it. No doubt the mercantile spirit had much to do with public sentiment in endorsing their acquisition. It may be that to permanently hold them under all complications and perils of the future will require a costly military and naval establishment. Not the immediate, but the remote results in the possible development of the military side of American life has been the subject of some concern on my part in connection with the movements in Asia and our new relations in that quarter. But I am not one who doubts the constitutional *right* to dispose of those Asiatic islands if their retention is found to be impractical. Certainly we have the *right* to act out the theory of their independence after training them to its competency. President McKinley says that when ready for self-government they shall have it.

MONROE DOCTRINE

The Monroe doctrine grew up on American soil for American purposes. Europe, we declared, must keep hands off from American territory for monarchical purposes. But no European power disputes our right to hold the Philippines. And so long as held they are American territory for purposes of that doctrine, which extends across the Pacific to protect them from being again consecrated to European domination. This is the decree of right from the American standpoint, though it implies high responsibility.

Nations like individuals may fall into error. The fact that we have added territory in the past is not conclusive in the case of the Philippines, as to permanent retention. But the case of the Philippines stands alone, unconnected with the past in policy or in development. The justification for holding them for some period is

strong because the appeal to duty and responsibility is unanswerable.

That responsibility is not alone to the people of that archipelago. It is not alone to America. It is to the whole world, civilized and uncivilized. For the example of American freedom and civil liberty is to and for the world. Its attractive power has brought the world to our feet in homage to that principle for what it means to mankind at large. The humanities underlying our love of civil liberty found their highest expression in the taking of the Philippines, there to cultivate that principle for a season at least before a new audience of the world. The object-lesson to the powers of Europe there being taught by America means much in the pending war of interests in China. America is likely to be the practical if not the formal arbiter of the vast issues involved in that contest. We will require reparation for American lives sacrificed to the spirit of riot and insurrection, but will stand against a policy of dismemberment of the Chinese empire, and for peaceable termination of the whole case in the Orient; and we will have no alliance with any power. This is the American system and nothing else, though the theatre of action is in the confines of the old world. If we were mere land-grabbers how long would it take us to form an alliance with the European spirits bent on absorbing China, for the most colossal territorial conquest in the world's history, using our foothold in the Philippines as a lever to that end. The fact that we refrain from such policy and protest against it, though holding the Philippines, is the great object-lesson of modern times to a concert of powers who need the lesson. Could the instrumentality of God through human hands operate to higher ends in civilization and with mightier effect than in this very spectacle of America barring the way against the devas-

tations of Europe, when if we say the word we might get the lion's share of such spoils? This attitude of America spurns every behest of imperialism save the imperial march of free government and of protest against armed invasion of empires.

PORTO RICO

Four years ago Mr. Bryan and the spectacular forces behind him were assailing the federal judiciary as dangerous to American liberty. Now, in declaring for all of the fundamentals of liberty, including the Declaration of Independence, they invoke the aid of the decisions of that judiciary, in the long indictment made of the McKinley administration and Congress relative to the government of Porto Rico. In no phase of Democratic posing are the true colors of hypocrisy more clearly revealed than upon this subject.

The act establishing a government for Porto Rico is precisely similar in every substantial respect save one, to previous legislation for the Territories subsequent to their acquisition, except in its features of increased liberality. The local legislature, the courts and the executive forces all have prototypes in many preceding systems of territorial government. There is absolutely no ground for claiming that any right has been withheld from the Porto Ricans which the most just and magnanimous conception of their wants and welfare could suggest. Their consent to be governed by Congress stands upon precisely the same footing as that of preceding territorial populations subjected to similar legislation. Contrary to the pretenses of the democratic platform, no pledge was made to those people by Gen. Miles which has not been kept to the letter and in the spirit. He promised them "the immunities and blessings of the liberal institutions of our Government," and those insti-

tutions are being speedily set up under the law thus denounced.

What the Democratic platform is meant to point out in its reference to the Porto Rican law no man can tell from reading it, except that a platitude of imperialism is hit upon in declaring this law to be, as Republican legislation, "the first act of its imperialistic program," and that its policy is "condemned by the Supreme Court in numerous decisions."

As a matter of judicial and political history, the Supreme Court of the United States has held from the beginning that Congress has what is termed plenary power over the Territories under the constitution, whether derived from express language in that instrument or from the necessary implication arising from acquiring territory which must in the first instance be governed by the federal arm, either military or civil. So far as the decisions of that court are concerned, some of them are found to contain language in the nature of dicta—by which I mean propositions not necessarily involved in the decision of the particular case—which have been criticised as going too far in the direction of imputing power to Congress in the premises. And has Mr. Bryan stopped to think of the jewel of consistency, when comparing his denunciations of that court in 1896 with his confident reliance upon it in the present campaign? When he once cursed it and now embraces it, will his theories as to its decisions be taken as conclusive by the American people?

That there is a grave constitutional question involved in the tariff provisions of the Porto Rico law is no ground for singling it out as an instrument of tyranny as "taxation without representation," even if a charge of that character can be gathered from the Democratic platform. But the tariff feature of the law is not mentioned

in that platform. In a subsequent plank it is declared that democracy favors "home rule and a territorial form of government" for Porto Rico. What territorial form of government ever came nearer giving home rule to a territorial population than does this Porto Rico law?

But Congress in framing this law provided for the immediate needs of the impoverished Porto Rican treasury by putting a tariff of 15 per cent of the imposts collected under the Dingley law, on merchandise imported from Porto Rico to the mainland, and vice versa; and every dollar of this tariff, together with over \$2,000,000 collected under the general tariff law before the special law was enacted, goes into the Porto Rican treasury. This plan was regarded by Congress and the President as the least burdensome one for raising revenue for those islanders who had been doubly stricken with Spanish oppression and the ravages of wind and storm. This tariff law ceases to have effect, however, the moment that the legislative assembly of the island puts in force a local system of taxation sufficient to support the local government; and the tariff law expires by limitation in March, 1902. Has any one stopped to think that our forefathers whose oppression under British rule found its climax in a revolt against taxation without representation, would have been without a plea for the Revolution had Parliament passed such a law for those colonies as this very law whose benign influence is now transforming Porto Ricans from bondage to freedom?

An additional reason for passing a nominal tariff law for the island revenues may have been, that as the people of all the late dependencies of Spain including the Philippines are not civilized in the sense of North American enlightenment, it was deemed best to preserve temporarily and until deliberate study of the questions underlying those racial and climatic differences could be

made, the principle of protection of our people on this continent against the results of cheap labor and production, leaving that question for final settlement later on. Vast interests concerning the welfare of all the people are involved, and no administration, no Congress can decide off-hand what may be strictly right or strictly lawful in the peculiar situation so suddenly fashioned by the hand of fate. It may be doubtful as a strict question of constitutional law, whether Congress has power to place a tariff upon imports from Porto Rico to the mainland, or from the mainland to the island, even though the proceeds go into the island treasury. Until the Supreme Court—which Mr. Bryan now professes to be willing to rely upon—decides this question, popular judgment should realize, in this as in other cases, that Congress is the representative legislative wisdom of the nation, the President its executive will, and that both are presumptively right upon this question, but that if wrong the Supreme Court will so decide, as it has fearlessly done in many other cases.

TRUSTS

There is no issue of trusts between the two contending political parties in this campaign. There is a *question* of trusts. The Republican party met that question in its latest phase in the last Congress, and proposed by introducing a resolution for an amendment to the federal constitution calculated to enlarge the power of Congress over all combinations in the nature of monopolies or to control prices, to further regulate and defeat the purposes of pernicious trusts and monopolies. That measure was but another and higher step in the procession of legislation enacted by Republican legislators. No other party has ever attempted to regulate trusts. The Republican party in this campaign declares, in keeping with its past history, against all combinations restricting business, creating monopolies, limiting produc-

tion or controlling prices, and in favor of legislation in restraint of them.

The Democratic utterance on this head is but a pretense; and had that party joined hands with Republicans in passing the joint resolution already mentioned, Mr. Bryan and his party would have had no opportunity, as there would have been no occasion, of making any declaration upon the subject, other than to urge the adoption of the proposed constitutional amendment. For that very reason it became the policy of the Democratic party to keep alive the *question*, and to announce that an *issue* exists between the two parties concerning it. And so, in inverse proportion to their exertions to create law upon the subject, they in their platform pledge that party "to an unceasing warfare against private monopoly in every form." Here the citizen who is so simple as to believe in the sincerity of this pledge is led to suppose that that party has always stood for restrictive laws against trusts. But their warfare is right the other way. Let us trace up recent legislative and judicial history in the premises.

The Republican anti-trust law known as the Sherman act of 1890 had been held by the federal Supreme Court to be valid, and under it that court held in the Joint-Traffic case that a combination between over thirty great competing railroads to maintain a certain interstate traffic rate and do away with competition was unlawful and could be enjoined; that in the Addystone case a like combination between corporate manufacturers of iron pipe, to do away with competition between them in 36 States and Territories was illegal and could be perpetually enjoined under that law, Judge Taft, now President of the Philippine Commission, rendering the decision.

But it had been found by judicial and legislative

examination and decision, that although existing legislation had gone so far as to practically exhaust the power of Congress upon the subject, these trust outlaws still defied federal legislation because of the want of power in Congress to reach by legislation certain forms of these combinations not controllable under the commerce clause of the constitution and whose wrongful ends could be wrought out, so far as Congress was concerned, under state laws, or which could not be defeated by state legislation alone. To remedy this state of things and make it possible for Congress to deal effectively with these forms of the trust evil, without taking from the states the power of dealing with them, Republicans introduced the proposed constitutional amendment, which came to a vote last June. It proposed to give Congress power "to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise," and it left to the States the exercise of such power "in any manner not in conflict with" the federal laws."

When that resolution came to a vote 150 Republicans and 4 Democrats and Populists voted for it, and 130 Democrats and Populists voted against it, only two Republicans voting with them. What can be said in favor of Democratic sincerity under their platform declaration in the light of this recent and telling history.

Trade combinations and monopolies are as old as civilization. They are coeval with man's love of gain. Long before this nation was born the excesses of monopolies were the subject of drastic laws in England, and the Roman Empire found it necessary to forfeit goods and banish their owners in order to regulate similar combinations. The incident of free trade or protection has not been at all decisive—they have in all history flourished under every form of governmental trade system.

But trusts and combinations whose economic results are to cheapen commodities to the consumer by cheapening production are not pernicious. Economists teach that the natural effect of those processes is not mischievous. It is the combination formed for the very purpose of killing competition so that prices may be raised or unlawfully monopolized that should be struck down. Nor is the corporation the most successful agent in this field. The most difficult of all recent combinations to deal with by lawmakers and administrations is the voluntary association *not* incorporated, but which uses a nominal corporation as a shield or go-between; as witness the exploits of the Boston Gas Trust and other similar defiers of the laws against corporate trusts. No doubt the requiring of greater publicity in the keeping of records of corporate and other combinations would result in advancing the cause of their prosecution for unlawful operations. But the probability of securing further aids to their prosecution through party legislation must certainly depend much upon the company in which the legislator or executive officer is training; and in what position does the Democratic party and its candidate stand in declaiming against unlawful trusts and monopolies when the managers of that party, and in a high moral sense the candidate himself, are either owners or advocates of some of the most unblushing and injurious combinations ever formed in this country. Boss Croker and the Van Wycks—one of whom is Mayor of New York, the other the Democratic candidate for Governor of New York State, are large holders of stock in the great Tammany Ice Trust whose operations advanced ice to private consumers to 60 cents per 100 lbs. or \$12 per ton, it costing the sellers only \$1.50 per ton. Those interests dictated the trust plank in the Democratic platform. Chairman Jones is understood to be inter-

ested in the Cotton Bale Trust, while he and Congressional Chairman Richardson sought the abolition of all duties on sugars produced in and imported from Porto Rico, by which, had his resolution to that effect been adopted, the Sugar Trust would have made \$14,000,000 per year. Mr. Bryan himself has been the standing advocate for years of the greatest trust of them all—the silver trust, by which it is sought to advance the value of silver more than 100 per cent at the expense of the American people, in which process the heaviest loser would be the poor man in the wages of his labor; and he forced the resolution for free silver on that inflated basis upon his party as a condition of his acceptance of the presidential nomination. He had declared a year ago before the Trust Conference that if Congress had not the power of dealing with all forms of these combinations he favored a constitutional amendment, but we have seen how his party voted against just such a proposed amendment.

INITIATIVE AND REFERENDUM

The Populist platform contains this plank:

“No people can be free who are denied the right to vote yes and no on every law to which they are subject, and we therefore favor the initiative and referendum as the only measure by which majority rule can be secured.”

Three ideas at once arise from a reading of this plank. First, that the people of South Dakota are not a free people. Second, that majority rule does not exist under the present system. Third, that in order to be free and subject to majority rule we must go back through ages to pure democracy.

I shall spend no time over this pretension (for I believe it is nothing more) that this is not a free commonwealth. The sounding phrase which heads the Populist

declaration in this plank may serve the purpose of rhetorical postulate. It will not beguile the voter out of his wits.

Neither shall I go further in discussing the claim, clearly implied in the wording of that platform, that majority rule is not secured in our governmental system, than to observe that if majority rule is not in every case worked out in practice it is because the whole voting population do not go to the polls—in other words, do not exercise their constitutional rights.

The Populist demand is, therefore, for a pure democracy, as distinguished from the principle, established for centuries in modern popular government, of the representative republic.

What is democracy, and what does the rule of democracy, pure and simple, mean?

The word "democracy" is composed, as we all know, of two component parts, one meaning people, the other, force or rule; and Webster defines it as

"Government by the people; a form of government in which the supreme power is in the hands of the people, and directly exercised by them; hence, *more usually*, a form of government in which the power resides ultimately in the whole people, who conduct it by a system of representation and delegation of powers; a constitutional and representative government; a republic."

Thus, while this definition starts out by conveying the idea of the people performing directly the functions of government—the ancient so-called "pure democracy," it ends by defining precisely that form of government which we have in the United States and in this state. But the author is all the time defining democracy.

Therefore it is clear that what the Populists demand is not any modern form of democracy, but the ancient one. *The people*, they say, must vote yes or no on every proposed law.

Alexander Hamilton, in his "Brief of Argument on the Constitution of the United States," made while the federal constitution was under discussion pending its adoption, says, after remarking that great confusion existed about the words democracy, aristocracy, etc.:

"Democracy defined by some, Rosseau, etc., a government exercised by the collective body of the people.

* * * *

"Democracy, in my sense, where the whole power of the government in the people.

"1. Whether exercised by themselves, or

"2. By their representatives chosen by them either mediately or immediately, and legally accountable to them." (Wks. Vol. 2, p. 463-4.)

James Madison, discussing the proposed constitution in the "Federalist," says:

"The two great points of difference between a democracy and a republic are; first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country, over which the latter may be extended." (P. 57.)

But the Populist legislature of 1897 passed a joint resolution proposing an amendment to the constitution so that Sec. 1, of Art. 3 shall read as follows:

"The legislative power of the state shall be vested in a legislature which shall consist of a senate and house of representatives. Except that the people expressly reserve to themselves the right to propose measures, which measures the legislature shall enact and submit to a vote of the electors of the state, and also the right to require that any laws which the legislature shall have enacted shall be submitted to a vote of the electors of the state before going into effect (except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions.)

Provided, that not more than five per centum of the

qualified electors of the state shall be required to invoke either the initiative or the referendum.

This section shall not be construed so as to deprive the legislature or any member thereof of the right to propose any measure. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The legislature shall make suitable provisions for carrying into effect the provisions of this section."

It will be seen that the constitution, if so amended, absolutely vests in 5 per cent of the voters of the state (or city, as the case may be), the power of requiring the legislature (or city council) to submit to vote of the people all proposed laws, and also to themselves propose measures which the legislature *must enact* and then submit to popular vote, before they can become laws. And it is not the legislature, but "the people of South Dakota" who enact the laws, according to the proposed enacting clause.

It is fair to assume that the Populist party declaration upon this subject is a fair interpretation of this proposed amendment. In other words, that the proposed amendment, to quote the platform declaration, confers "the right to vote yes and no on every law to which they '(the people)' are subject;" excepting only laws passed to meet such emergencies as an insurrection, a dire and widespread epidemic, or a military invasion of the state.

Now, the Republican party of this state has in its platform recognized this subject of the initiative and referendum in the following language:

"We suggest the careful study by Republicans of the plan of legislative initiative and referendum and

other methods of legislative enactment which are now before the people with a view to securing intelligent action thereon."

There is no party in this country which is so closely identified with sound progressive action as is the Republican party. And if the proposition upon the initiative and referendum is sound, and soundly progressive, it is entitled to favorable consideration by Republicans.

But to be sound it must be in line with the fundamental and traditional principles of legislative and political action as established in our system of government. And to be soundly progressive it must not be subversive of the representative idea, and of official responsibility and accountability.

I honestly believe, and therefore shall earnestly contend that it is subversive of both. I believe it to be unsound because not in keeping with those fundamentals, and for this and the other reasons mentioned, it is not soundly progressive, if progressive at all.

It is revolutionary as to established principles of our government, because it fixes the initiative in all legislation in a fragment of the constituency, the people, instead of in the legislative body. It is also revolutionary in making the people, instead of their representatives, the actual lawmakers. It is for the same reasons subversive of the representative idea, and with the downfall of that idea go official responsibility and accountability. In other words, we present issues and candidates in political campaigns for the purpose of finding out what the people want their representatives, elected through such campaigns, to do. This is the very purpose of the representative idea. It is because of this that there rests upon the elected member of the legislature that responsibility, that accountability, which is the monitor and polestar of his official action. Without this

he cannot know what he is expected to do in the legislature, and therefore cannot act intelligently. Without it there is nothing definite by which to adjudge his official action and call him to account.

But when the people have performed the part of passing upon and determining issues and electing candidates representing measures and policies, they have, according to every fair consideration of their responsibility, performed their whole duty. If something important is overlooked in this process, or arises after the election, the people may by petition to the legislature supply the omission or meet the emergency. Their right of action, so far as initiative is concerned, is thereby exhausted. It is also true that their duty is then ended in those respects which pertain to this proposed referendum.

The responsibility for legislation being placed, through the election process already explained, upon the members of the legislature, how can they be held to that responsibility unless they are required to act up to it? And how can they be required to live up to it unless they alone are held accountable for legislation? What does the principle of representative accountability amount to if members of the legislature may shift it back upon their constituents, the people?

But, throwing aside the whole question of official responsibility, let us see whether the initiative and referendum if adopted will be either practical or effectual.

The legislature must be presumed to know the chief wants of the people in legislation, for reasons already explained. Bills will accordingly be introduced to meet those wants. But suppose a fraction of the people, 5 per cent of the voters, are dissatisfied with some laws enacted, and "invoke the referendum," and the incipient law is submitted to popular vote and defeated. If the people could be supposed to have voted upon and de-

feated it before the legislature adjourned (which is hardly reasonable, for want of time), there certainly would not be time for the legislature to ascertain before adjournment the matured views of the people concerning the law and why they rejected it, so as to be able to remedy the situation by enacting a modified law upon the subject at that session. All that would have been accomplished would be, that a specific proposition in legislation was defeated. Nothing more could be done until a new legislature was elected. While on the other hand, had the enactment been submitted to the executive for his approval or veto, and he had vetoed it, giving his specific reasons therefor, it might still be passed over his veto or a modified law passed. In either case the chosen representatives of the people would have acted upon their full responsibilities, knowing that they would be accountable to the people for their action.

But suppose some members who were elected upon a certain issue with a view to certain specific legislation, desired to defeat such legislation. Would it be difficult for them to assist in passing the law, though in connivance with others in having it defeated through submission to popular vote? No. It might be clear that a majority of the people would vote it down either in some general form of the measure, or in some particular form presented in the enacted law though the constituencies of these particular members were favorable to it. All that would be required would be that 5 per cent (say, 4,000) of the voters should join in signing an "invocation," and the law would be defeated. The mere statement of the inevitable operation of such a system proves its impracticability as well as its ineffectiveness.

And we have the word of Mr. Sullivan, a writer on the initiative and referendum whose book is somewhat

widely read, that the system destroys practical power in the legislature. He says:

That under it "all power has been stripped from the officials except that of a stewardship which is continually and minutely supervised and controlled by the voters."

But the conception of the initiative and referendum springs from supposed want of confidence by the people in their chosen representatives. That conception is itself an implied slander of the time-honored and essential principle of representative government, and to the extent that such want of confidence in the general integrity or ability of legislatures to perform their constitutional labors, is justified, is evidence of popular incompetence or indifference in their selection. In its last analysis it is tantamount to an admission that the people themselves, the "pure democracy," have been found wanting in capacity to perpetuate a form of government under which civil liberty itself has been fostered and given lodgment in the state—the only form under which the governor and the governed have been able to join hands for mutual and guaranteed protection and responsibility.

The fact that in the process of amending constitutions—the fundamental law,—and in some instances of imposition of special and permanent financial burdens upon the people, and similar cases of great moment and special responsibility, the popular vote is resorted to, is no valid argument for injecting into the every-day life of official legislative action this supposed panacea.

Further: Some who are inclined to seriously consider the question of cost, might with profit attempt to estimate the large expense connected with the machinery necessary to effectuate this proposed novelty in legislation, and how the burden of expense is to be distributed.

The foregoing remarks were prepared by the author for and used in the political campaign of South Dakota in 1898. The attitude of doubt as to the advisability of the initiative and referendum, expressed therein, was probably intensified somewhat by the element of partisanship entering into the campaign in America and elsewhere under the rule of party government. The author recognizes with entire willingness the usefulness and availability of the referendum and, in some instances, of the initiative in connection with the referendum, in the working out of the higher welfare of the people in our states, where certain issues more or less vital in character are at stake. That the application of these rules of political action under the constitutional provision in South Dakota embracing this subject, has in some cases resulted in some material benefit to the people in making their voice more effectively insistent than would be that of the legislature without such enforcement, is true. But that the experience of a decade under that provision has gone far to impress the public mind with the idea of a falling off of official accountability and responsibility on the part of our legislators, is believed to be equally true. The author believes that the principle of responsibility in the premises has suffered a distinct impairment through the initiative and referendum; that to a degree, which is becoming more marked from year to year, the principle of representative government is undergoing a deterioration because of this provision being embodied in our organic law. Believing this, we regard it as only a matter of time when the application of the principle in question will, through a modification of the present constitutional provision, be restricted considerably in scope and also as to the conditions upon which it shall be put in operation. One of the baneful effects of its operation is realized through reference to popular vote of some enact-

ment which is and known to be approved by the people, for the sole purpose of postponing the date of its taking effect. Such a power lodged in a fraction of the electorate is a reproach upon the principle now under discussion. We believe also, that to some extent the thought that if adopted, that principle would in operation not only permit but would encourage immunity from legislative responsibility, entered into the vote under which the constitutional amendment in question was adopted. Representatives of certain special interests, or of some of them have on more than one occasion sought, and in some instances have realized advantages over the rights of the public, by resorting to the referendum, or to both that and the initiative. The element of expense of putting in operation this principle has also, in our state's experience, become one of large interest and some public concern. This last phase can, however, be largely rectified by further legislation, some material steps in which process have already been taken.

The proposition that the initiative and referendum so far deprive the legislative arm of government of its necessary function of lawmaker, as to be subversive of a republican form of government from the standpoint of the federal constitution, is not only not yet put to rest but is one over which there is deep and earnest contention. Lawyers, jurists and publicists are far from substantially agreed upon this question. The comparatively few decisions of our courts upon this subject have not by any means settled the controversy. It is not proposed to go into a treatment of this subject in this connection—this supplemental reference being intended only as a mere annotation to the foregoing extracts from a political address in one of our state campaigns. But it may not be entirely out of place here to bring into this comment a reference to one or two court decisions, a few

expressions of members of the bar, some of whom have been upon the bench, and of some publicists and writers who have gone into a study of the principles involved.

Before citing the expressions above referred to, however, it should be remarked that the constitutional provision of South Dakota is a radical application of the initiative and referendum, wherein it provides that "the people expressly reserve to themselves the right to propose measures, which measures the legislature shall enact and submit to a vote of the electors of the state;" in that it is regarded as, in effect, taking from the legislature its power of discussion, comparison of views, amendment of pending bills, and then of enacting a law—in a word, the legislature may be shorn of its functions in every case in which a small fraction of the voters may see fit to formulate and impose upon the legislature a proposed legislative mandate which the voters at large must in the end enact if it becomes law. The executive arm, wherein the veto power is exercised, is likewise eliminated from this process through the initiative. This power being thus in the hands of the voting population, in a sense differing somewhat from that of a pure democracy, the point is made that it makes representative government, as regards the legislative arm, and in the sense in which the federal constitution guarantees to each state a "republican form of government," practically out of the question, and that the very process leaves the legislator without responsibility to his constituency and the state at large. It should also be understood that South Dakota was the first state in the Union to adopt as part of its fundamental law the principle of the initiative and referendum as applied to legislation.

Judge Sherwood, of Missouri, contends: "A republican form of government is necessarily a *representative* government by *delegation* instead of a *pure democracy*,

where the people directly enact all laws and perform all other functions of government, legislative, executive and judicial without the intervention of agents"—citing Madison (*Federalist* and other *Const. Papers*, Vol. 1, p. 210, etc.) and Judge Cooley (*Constitutional Limitations*, p. 194); and Madison as cited, declares that republican government "is administered by persons holding their office during pleasure, for a limited period, or, during good behavior"; while Cooley thus defines a republican form of government: "A government in republican form; a government by representatives chosen by the people."

Judge Sherwood was discussing, in the above connection, a proposed amendment to the Missouri constitution, some provisions of which were and some of which were not as radical as is the one above quoted from the South Dakota constitution. He reaches the conclusion that such an amendment necessarily substitutes for a republican form of government "something which does not come up to the standard of such a form of government as understood at the time of the adoption of the federal constitution." (*Central Law Jour.* Vol. 56, pp. 247-251.)

A reply to Judge Sherwood's article, by Mr. Willis L. Hand of the Nebraska bar, (*Cent. L. Jour.*, Vol. 58, p. 244) in considering whether the supposed fundamental vice of the initiative and referendum consists in the initiative feature, or in its "mandatory feature of the referendum," denies that it can be attributed to the latter, "for the legislature is left free to approve or disapprove the proposed measure, and if it shall disapprove it may submit an entirely different proposition to the electors." It is evident, from his attitude as stated, that he was not discussing the more radical feature of the proposed amendment in the Missouri case and which resembled in all substantial respects that above quoted from the South Dakota constitution. Indeed, Mr. Hand further

on, in discussing the latter feature of the proposed amendment in Missouri, says: "This is entirely outside of the initiative and referendum. It is legislation by the electors directly without the agency of the legislature in any respect. This is certainly revolutionary."

An able and comprehensive article upon the subject in hand, and which discusses many features of advantage and of disadvantage to the public welfare involved in the legislative initiative and referendum, by John Bell Sanborn of the University of Wisconsin, (*Political Science Quar.* Vol. 23, p. 587), holds that "direct popular legislation is not incompatible with representative government." But that he intends to be understood as discussing special and exceptional cases of its application, and not general legislation, is clear from his further premise: "The initiative and referendum do not concern themselves with the ordinary mass of legislation. They only modify the present system by endeavoring to afford exceptional relief in extreme cases." He thus refers to a vital feature of this process:

"One very real danger must be noted. This is that the referendum may be used not only against laws which have been secured by an active and well-organized minority, and which subserve special or class interests, but also to suspend until the next general election laws which are really desired by the people."

And, referring to the small percentage of the total electorate which suffices to set the law in operation, he adds: "This requirement makes it possible for special interests which are adversely affected by legislation to prevent its taking effect for a considerable period"—and cites three instances in which South Dakota in 1907 referred to the people as many laws enacted by the legislature—one extending the period of residence necessary to secure a divorce, another being a game act, another the Sunday act.

And in considering the effect of this process upon

the practice of thorough consideration of pending measures, etc., Prof. Sanborn says: "If we admit, as I think we must, that the proper goal of legislation is a better and more intelligent consideration of pending measures, we must acknowledge that the referendum brings us no nearer the goal. In fact, it probably takes us in the other direction." He adds:

"The referendum tends to place the emphasis at the wrong end of the legislative work. If we elect good men to the legislature the need of checks of this kind will largely pass away. The agitation for the referendum has been to a considerable extent due to the failure of the voter properly to perform his duties as an elector. However numerous and complex the causes of this failure may be, one cause which has been very potent is the public indifference to caucusses and elections. If this public indifference continues, we cannot expect that the referendum will be successful. With this indifference removed, the need for the referendum will no longer be so apparent."

On the vital point of legislative responsibility as affected by this process, Prof. Sanborn declares:

"One other and very fundamental objection may be made both to the referendum and to the initiative. They tend to weaken the sense of legislative responsibility. With the referendum the legislator does not vote for or against a bill, he votes to give the people an opportunity to vote on it. He does not need to express his own opinion. * * * Every bill may be thus subjected, and if no petition is filed concerning a particular measure, the people may be considered to have ratified it. * * * The initiative would also shift responsibility. If new laws are needed, they may be submitted by the initiative petition. If the legislators do not propose the measure needed, they are not to be blamed. The failure of the people to use their initiative indicates that they do not desire action upon the matter."

He concludes his valuable paper in part with these observations:

"The diffusion of responsibility which would result from shifting the burden of legislative reform from the few to the many is in direct opposition to the teachings of political experience. The way to get good government is not to scatter the responsibility among a number, so that each can dodge the blame if the work goes ill or claim the credit if it goes well. The approved way is to make each responsible for his appointed task and to hold him rigidly to that responsibility."

The constitution of the proposed State of Arizona has been the subject of much discussion over the question whether, in its features of the initiative, referendum and recall, it has or not departed from a "republican form of government." The affirmative is urged in an interesting article in the *Central Law Journal*, Vol. 72, p. 169, by D. C. Willis, a lawyer of Oklahoma; his contention being that such form, guaranteed by the federal constitution (Sec. 4. Art. 4.), is undermined in effect, in that legislation, which should emanate from representatives in the legislative department, can under the provisions of the proposed Arizona constitution, be so far carried on by direct vote of the people as to wholly usurp the legislative department. While that document is defended against those objections, by Henry M. Howard, an Arizona attorney, in a paper published in *Cent. Law Jour.*, Vol. 72, p. 437; his argument seemingly being that "the right of self-protection" requires direct action by the people; that because the amendment of the federal constitution, wherein it guarantees to states a republican form of government, (if its amendment were considered in connection with modifying its provisions on this head) would require "a generation" of time, that fact "emphasizes as few things else can, the unfitness of a purely representative government for a liberty-loving and intelligent people." He assumes a somewhat unique position, in defining the meaning and purpose of that

guaranty to be to require that executive, legislative and judicial departments of state government must exist for *exclusively federal* purposes, and by adding: "And being thus equipped, it is republican in form, and nothing more can be demanded of it." The purposes stated are—an executive to fill a vacancy in office of United States senator, etc., judges to enforce the federal constitution and laws, and a legislature, "for by it United States senators are chosen."

Senator Bourne of Oregon responded to a request by the editor of the Central Law Journal for his views concerning the constitutional features of a state constitution embodying the initiative, referendum and recall, by submitting a copy of the opinion of the Oregon court in *Kieman vs. City of Portland* (unreported officially), published in 72 Cent. Law Jour. p. 362; and he gives his views upon the political and expediency features of such a constitution, in an article in the same volume, page 354; his position being that the result of the deliberations of the federal constitutional convention gave effect to the views of Hamilton, "essentially an aristocrat and monarchist, without faith, or any kind of confidence in the average intelligence, patriotism, or stability of mankind," and who "stood for every possible device that went to exclude and remove from the people any direct contact with, or immediate or remote responsibility for the Government," and that Jefferson's ideas in favor of "the broadest possible democratic principles" in the federal constitution were rejected, etc.; that its grants of power, its checks and balances were "Hamiltonian, and, so far as possible, was constructive of an irresponsible machine," but that this was "a victory for what exactly at that time was needed—and all that the conditions then warranted—a union of states under a centralized government;" that conditions have changed with "cen-

tralization of government, business, and the individual units of society," and consequent increase of power, "and to insure the proper use of same it must be correlated with increased responsibility and accountability, which should go together"; that "under delegated government he is accountable to the political boss, who in most cases is but the agent of the largest campaign contributor;" that under the Oregon system "accountability is always to the composite citizen—individual unknown—always permanent," etc.; that this can be secured only through selection of public servants "through direct primaries and minimizing the use of money through comprehensive corrupt practices acts," etc.; that the initiative "develops the electorate, placing directly upon them the responsibility for legislation enacted under its provision; the referendum elevates the legislature because of the possibility of its use in case of undesirable legislation;" that these conditions of accountability can be secured only "through popular government," which he defines as realized by the means under consideration. The spirit in which he arraigns our national fundamental law seems hardly in keeping with the credit which that document has received from the people, the courts, and from state and federal lawmakers for generations. Time may prove his claim of greater accountability of legislators to the people under the referendum, etc., than under the old plan of legislation exclusively by the legislature. But it is believed that the question is so far an open one before the country.

The case of *Kieman vs. City of Portland*, above referred to and upon which Senator Bourne relies, holds in substance, that the adoption by a state of the principles contained in the plan known as the "initiative, referendum and recall" is not prohibited by the provision of

the federal constitution guaranteeing to every state a republican form of government.

In a valuable note to the Kiemman case as published in the Central Law Journal, there is cited the case of *Ex parte Farnsworth* (Texas) 135 Southwestern Reporter, 535, 72 Cent. L. Jour. 342, in which that court refers to the provision of the Texas constitution prohibiting any change "in our ordained form of government, even by the people themselves, which would be destructive of a republican form of government;" and then reasons that referendum does change our form of government in that it trenches on the authority vested in one of its great departments—that is, performs functions belonging to a representative body constituting the legislative department. The writer of said foot-note then proceeds to urge that the sphere of the referendum does not pertain to merely limiting "what might otherwise be rightful subjects of legislation, or restricting legislative action to prescribed forms,"—but that it "occupies the same sphere the legislature does and pushes it from its stool at the legislative table." Then, after discussing republics and democracies and citing authorities defining a republic as embracing the extremes of oligarchy and pure democracy, he reasons thus:

"There seems to be no claim that any people ever acted in providing laws for its government—prior, at least, to initiative and referendum legislation—unless it *assembled* its constituents, and they conferred with each other there and *there* acted. * * * So it has always been with its representatives. They must meet together in lawful session and there remain in sufficient numbers to formulate and promulgate law. Out of session, they are part of the mass which authorized them to assemble. * * * still is there vested in each individual citizen the right to formulate and express an authoritative opinion outside of assemblage? * * * Convention or

assemblage presupposes consideration and discussion. Individual expression negatives every presumption of this nature."

The writer of that note further reasons, that due process of law "is necessary to affect a citizen as to each and every of his rights. When that clause became a constitutional guarantee it presupposed that no law could be enacted unless it was by the sense of a body lawfully assembled. * * * At the beginning this was the only way of acting and to make it effective, all power outside of assemblage was non-existent. Therefore, at the beginning, the citizen was invested with no inherent right to speak for the people but he could do this only as a member of the people's assembly. The initiative and referendum changes all of this. Laws do not have to be made by a deliberative body. That has never been known before in any republic. It seems both a change of form and substance. * * * Can due process of law be claimed as to an act under color of authority which is based on the extinguishment, even *pro tanto*, of the legislative department of a state?"

And in concluding said note, its author refers to said Kieman case, wherein the Oregon court relies on the federal Supreme Court decision in *Luther vs. Borden*, 7 Howard's Reports, 1, wherein the latter tribunal *held* that the federal constitution in guaranteeing a republican form of government and authorizing the General Government to interfere in the domestic concerns of a state, "has treated the subject as political in its nature, and placed the power in the hands of that department;" and he contends that the Borden case is not authority for the contention that "recognition by the Congress of initiative and referendum as being within the description of a republican form of government *was conclusive* upon the question where a justifiable right was claimed"—that is, where, for instance, an individual sets up a right and demands an adjudication thereon by a court, and where an alleged law of the character in question is

claimed by the individual to be unconstitutional, and invasive of his right; his reason being that the court in the Borden case adopted the view of the Rhode Island court in holding that the alleged constitution of the "Dorr Rebellion" government—the validity of which was there in question—was never in force in Rhode Island, and therefore, by necessary inference, the Congress "would only have regarded the matter from the standpoint of a *de facto* government." And he adds: "Congress pronounces upon the question of a republican form of government, as we take it, simply when an emergency arises and order is to be maintained;" and that "in peacefully proceeding under fundamental law" it is for courts to determine what "statutes have or not binding effect." Furthermore, that "Congress could not intervene to say whether or not there is due process of law as to a right asserted by an individual." He concludes with the question: "Is a government legislating through a lawful assembly the same in form or substance as where they need not assemble?"

The supreme court of South Dakota, in the case of *State ex rel. Schrader vs. Polley* (unreported as yet in the S. D. Reports), published in 127 *Northwestern Reporter*, p. 848, *held*, that the word "legislature" as used in the Constitution U. S., Art. 1, Sec. 4, providing that the time, place, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof, but that Congress may make or alter such regulations, does not mean simply the members who compose the legislature, but refers to the lawmaking body or power of the state, as established by the state constitution, and which in this state, under the referendum, Const. Art. 3, Sec. 1, includes the people, and hence the state law of 1909 (Chap. 223), dividing the state into congressional districts, is subject

to the referendum vote of the people the same as any other law passed by the legislature. The question whether the fact that the people are, in this connection, part of the legislative power, does or not affect our state government as being "a republican form of government" under the federal constitutional guaranty, is not discussed in the opinion of the court.

MEMORIAL DAY ADDRESS*

Love of country made possible the sacrifices which this day is set apart to commemorate.

Hatred of slavery intensified the struggle for the Union in the great Civil War. But the sentiment of love of country is far more potent in a contest involving its very existence than hatred of the motive actuating the enemy. And when the arena is that of civil strife, and the foe is inspired by a concept of local rights which gives to its cause the credit of plausibility, the element of error is tempered by love of country, though the cause itself is doomed to failure. If therefore we grant what history proves, that those who wore the gray were enlisted in the joint cause of upholding an institution which could not be reconciled to national integrity, and of country seen through perverted vision, and that by consequence that cause must have suffered defeat because it deserved to die, yet the analysis which leads to this conclusion shows that love of country, on both sides of the contest, accounts for this the mightiest combat recorded in all history.

But the nature of the conflict which developed the Union army and navy, the remnants of whose veterans are this day assembled throughout this Nation as the living representatives of the Nation's dead, gave their patriotism a character possessed by no other defenders of country in any civil war, ancient or modern.

Those who fought the battles of the adversaries in the civil wars which ended the obligarchy into which

*Delivered at Blunt, S. D., May 30, 1901.

Republican Rome had drifted were mere instruments of factional pretenders to power, whose very success meant the crushing out of liberty, under whose inspiration country was swallowed up in personal ambition. The Civil Wars of England rose to a higher plane. Parliament challenged the usurped prerogative of kings, and oppression took vengeance in the king's life-blood. But the Commonwealth under Cromwell witnessed excesses in government and usurpations of power which sickened lovers of liberty and of country; the sword was poised over the head of Parliament, after Parliament itself had demanded the sword for its own use, and a virtual dictatorship led to restoration of kingly power, after the great Protector who claimed to stand for country's liberty had seen a king executed for alleged treason to England. The war for the Union was a clean-cut contest between the forces of constitutional right and freedom for the whole country, and of the slave-power to vindicate a wrong conception of state rights, and through it to preserve the institution of slavery, for a portion of the country. It was the most vital conflict which could disturb the foundations of any system of government, for the real bone of contention was woven into the framework of the federal constitution, in the recognition by that instrument of human slavery and of representation in Congress based upon it; and the status and incidents of that institution had furnished the great issue of the country for nearly half a century. The inspiration which actuated the Union cause sprang directly from the human heart, in the broad and soul-swelling sentiment that all men are created free and equal, and it borrowed from our forefathers in their consecration to that principle embodied in the Declaration of Independence. The motive which upheld the Confederacy on the other hand, was entrenched in a practice long established under that

constitution which, while proclaiming the principles of liberty, contained in its provisions the seeds of their practical denial to millions of souls who had not known liberty, and who it was claimed were not entitled to it under that instrument. Moreover the false doctrine of state rights had, in semblance at least, been evoked in the earlier days of the Republic even in New England; and a school of advocates in the south who, if not statesmen, were able for generations to practically control the national councils and to convince a respectable minority in the north of the truth of their contention, had grown up and been developed through constant championship of that doctrine. And though grounded upon a delusion of the Southern school, the fact remains that the great conflict over the extension of slavery into new Territories in the southwest, involving vitally the balance of power between the two contending civic forces, followed by secession as the logical result of the false contention, brought on a strife of arms in which country, though seen in different lights and from widely variant viewpoints, accounted for the great numbers mustered into the contending ranks.

When the contest became hottest no wreckage of civil authority, north or south, resulted. Lincoln's generals thought not to fling aside country for the spoils of military ambition, or threaten Congress with usurpation of the legislative power. The Confederate civil government was supreme over the army fighting for its cause. There was no anarchy in either quarter, though men's souls were tried by the supreme test of the executive war-power, common disaster, and doubt as to the outcome and of rights involved.

And when the climax was reached at Appomattox, victor met vanquished in the most humane and generous hand-clasp ever known in the annals of warfare. There

were tears of the gray-coats over the lost cause; there were sympathetic tears in the Union ranks, for very pity that devotion to a cause however indefensible, could be exemplified in such tattered raiment and such poverty of means as supported Lee in the last days of the Rebellion.

And when the magnanimous Grant had paroled the Confederate soldiery, the spirit of that parole and of the Emancipation Proclamation joined hands and started in procession down the ages to come, telling the whole world that the Federal Republic was great enough to stamp out wrong which threatened its existence, and gracious enough to exercise clemency towards the wrong-doers in the hour of its triumph over them.. When before in all history had liberty and justice been so completely enthroned at the end of a successful national life-struggle?

And what of the rank and file of the armies through whose services this consummation had been worked out?

They were brought together at the national capital and there reviewed before being mustered out; those who were able to respond to the order to rendezvous at that point represented an army of more than a million men. There they exhibited their prowess in a peaceful parade intended solely for their honor and that of the country they had preserved in its unity. Their campaigns had covered more than two and twenty hundred engagements, during which no less than a million numbered the killed, wounded and sick; in which three hundred thousand federals and two hundred thousand confederates had laid down their lives in battle; in which 150 major generals and 600 brigadier generals had been commissioned. Two million seven hundred and fifty thousand had been called to service for the Union, all but 100,000 of whom had actually served; while the Rebellion had summoned 1,100,000 to service, 95,000 of

whom were paroled at the end of the war. The national struggle had called to arms on both sides 3,850,000 men in four years. This was well towards two-thirds as many as were enrolled during all the campaigns of the French Revolution and the Napoleonic wars from 1793 until after Waterloo, twenty-two years later, involving all the great powers of the old world.

When those vast military forces melted away into the body politic from which they came, and silently resumed the habits of civic life, a spectacle was enacted the like of which had not been recorded in all time. Doubting hearts among the national authorities had foreseen that the process of reassimilation of such an array of soldiery into peaceful society and industry meant a self-discipline not usual under anything approaching similar circumstances. But the brave men who had brought victory out of the conflict had, in fighting for country been fighting for homes which stood for country. Their highest pleasure was realized in the thought of returning to the association from which they had been sundered in responding to the call of country; and when they again met the loved ones, and realized how many comrades' homes had been shattered forever by the exigencies of that war, and what a tremendous shock the nation had undergone in that four years' struggle, they thanked God for the victory and loved home as never before. The thousands of new well-springs of enterprise which the war period had brought into existence furnished avenues of industrial service under which the veterans, deserving the best the country could afford, went on their way rejoicing in the light of an exalted citizenship. And from that day to this the soldier of the Civil War has been justly regarded in a special sense of value, measured by the standard of the Federal Republic promoted out of the depths of slavery and the

heresy of state rights into the higher atmosphere of universal freedom and national integrity.

But the special subject of contemplation and ceremony on this memorial day is the dead—those who gave to country the supreme sacrifice of life in or in consequence of battle done for the cause of freedom and national union in that great crisis. Since that crisis was ended America's sons, inspired by its memories, have sprung to the rescue of those enslaved by Spanish tyranny in both hemispheres. All honor to the dead who fell in that later cause involving a broader humanity.

When the Civil War was over and the long-drawn din of arms, the soul-stirring fife and drum, the battle-song and the measured tramp of disciplined veterans were silenced in a sleep never to know awakening, the agony of four years became subdued into a soothing convalescence whose sadness was wrought into tragedy by the after-shock of Lincoln's assassination. The Great Emancipator had lived to see the Union restored and country saved. The misguided hand which signaled his death and made him a martyr represented the last gasp of that depraved spirit which could see no wrong in slavery and no virtue in its destroyer. When the cavalcade of woe was reinforced by this awful happening the spirit of rejoicing over cessation of hostilities drooped her wings. For who could reconcile the nation saved with Lincoln lost! Time has revealed a higher wisdom in the spectacle of ages, wherein the dominant soul of freedom, speaking to the world from the pedestal of American nationality, declared that this country, the mother of liberty and the guardian of right, could yield up Lincoln in order to teach mankind that freedom is so priceless that ruler might with fitness die with the common soldier in its cause.

To preserve to futurity the memory of the deeds

done in consummation of such a cause, to remember the dead, the maimed and their dependents whose sacrifices and heart-pangs were part and parcel of its history, was the common impulse of the people who were its immediate beneficiaries and of the volunteers who had survived the war.

And when in 1866 the sons of Illinois set on foot the national movement which resulted in the formation of the Grand Army of the Republic, fraternity among comrades and solicitude for the needy among the veterans and their families, were seconded by that higher respect for national union and abhorrence of disloyalty which the verdict against secession had engendered, and that defense of liberty, equality and justice, which make up the declaration of principles of that organization.

And when Logan, chief of the bright array of volunteer commanders of the war period, and as head of the Grand Army, four years later laid the foundations for the proper annual observance of those deeds and principles, and Memorial Day was born, the step was taken which gave the people an opportunity to signify how dearly they cherished the heritage embodied in those principles. For this holiday is observed as Independence Day is not, as its significance reinforces that of the Declaration of Independence and rescues the latter from the realm of theory into that of actuality.

Finally, fellow-citizens: Why do we meet to perpetuate these memories? It is because we would perpetuate universal freedom and national unity, the harvest of the cruel war which all but rent asunder the bonds of unity and all but saved slavery and state rights heresy to the ruin of country. Does this mean that to preserve individual liberty in the generations to come other wars must supervene, and again husband part from home, lover from sweetheart, brother from brother, and citi-

zenship be ever and anon put to the test of loyalty and patriotism in order that the principles of government which we revere may be again vindicated and reaffirmed? Yes, if such further tribute becomes necessary the sons of Columbia will render it, the stars and stripes be again the talisman which shall inspire to victory another campaign. For so long as liberty and equality are challenged they are worth dying for.

But the lesson of war's carnage and sacrifice is: Preserve liberty by that constant watchfulness which allows no issue to lead to war. Put down the wrong that forebodes resort to armed force, by manfully crushing it in its incipency. In a sense there is more moral courage in that citizenship which dares to rise up and declare a peaceful war of opinion and insistence against wrong to the commonwealth, and thereby render the war of arms unnecessary, than in the steeled hearts which defended Thermopylae or followed Grant through the Wilderness. May the time never come when default of this courage in common civic life shall jeopardize the state and cast the reproach of treason to duty upon the people themselves, who cannot escape being its keepers.

Then scatter flowers upon the graves of the fallen; render the tribute jointly to heroes who fought for freedom and equality at home and against oppression abroad; let the drum roll in subdued memorium; let the past be consecrated in our hearts, that the future may be safe in the recollection; and let sweet peace reign over country free and bravely jealous of its heritage.

THE CONSENT OF THE GOVERNED*

The keynote of the public heart is struck, at gatherings upon Independence Day, when mention is made of the immortal document embodying the expressed convictions of our forefathers at the dawn of the Revolution. What the Declaration of Independence proclaimed to the world, and the principles of government for which it stands, appeal to freemen and patriots in that high sense which proves it to be the triumphant utterance of the ages. To reverence that instrument is the bounden duty of the American people whose future welfare it bespoke, whose destiny it foretold.

And when the mind seeks the central idea of that declaration, it is found in the reference to the consent of the governed—a condition there laid down as the essential means to the end of good and permanent government.

And so it has come about again, when America faces new and untried questions which the events of recent war have thrust upon her great Republic, that public discussion, as concerns both the country at large and the peoples of our new acquisitions, proceeds directly to the vital question, the consent of the governed.

Prior to the extending of American sovereignty over Hawaii, and the West Indian Islands and the Philippines, acquired under the late treaty of Paris, the question of self-government had been confined, so far as

*Address delivered at Riverside Park, Pierre, S. D., July 4, 1900.

outlying territory was concerned, to our continental possessions, which were generally regarded as materials for future States of the Union; and the treatment of the principles involved had been such as apply to federal territory in the probationary state leading up to a place in that Union. And the States themselves have been regarded as the very pedestal of self-government, wherein all elements essential to the guaranties of self-rule were present, under the combined effect of the federal and state constitutions and laws.

But with the acquisition of these island possessions, it is alleged that a new and hitherto untried test must be applied to the Declaration of Independence, in determining what that instrument and the federal constitution mean when applied to the Latin and Asiatic populations of the tropics thus brought under our sovereignty, as regards this question of self-government, and what are the means by which the principles announced by Jefferson and the framers of the constitution relative to the consent of the governed are to be secured to those new peoples.

A mighty impetus has been given to this discussion by the miraculous events of the days since some evil spirit sent the *Maine* to the bottom and aroused for the first time the stupendous energies of American sentiment and action against Spanish oppression, and which in a brief and fateful moment rescued the Spanish dependencies from the chapter of tyranny which had become the reproach of modern times.

And those feats of arms which tell the story of American valor and devotion to free government, are again distinguished by certain marks which in all American warfare indicate that the American soldier must have a just cause before he will take up arms, and that then he goes forth only to conquer. For no nation was ever

so tempted to war in behalf of suffering subjects of a foreign power, as was this nation when intervention for the Cuban cause was decided upon; and no nation of citizen-soldiers ever sprang to arms and fashioned the instruments of war out of intangible resources, in a brief hour, and rushed upon an enemy with such resistless power, as did the warriors who, representing the army and the navy, gained victories which made famous San Juan Hill, Santiago and Manila Bays, Blockhouse No. 4, Malolos, and Calumpit, and who, in the reinforcements at Camp Thomas, impatiently ready and champing the bit in a yearning to get to the front, proved that the Rough Riders of South Dakota were one in spirit and in possibility of action with the First South Dakota Volunteer Infantry, whose fate took them to Asiatic islands in the common cause.

They may talk about superior arms and superior drill; they may enlarge upon the fact that American military genius has for a background an ideal huntsman in a limitless field of exploitation; they may say that we are a nation of intelligent agriculturists and artisans—that because of these things Americans are brave and are fine marksmen. But the whole truth is told in the simple story which makes American soldiers of those whose mothers sung and whose fathers taught the inborn love of that freedom expressed by a government which derives its just powers from the consent of the governed.

There is martial music in the very thought! There is more than the faith of the Crusader in the inspiration which the case of the North American colonist furnishes to his descendant, who at the end of the nineteenth century goes forth to rescue the subject of more abject tyranny, and to prove the right of such descendant to become the world's emancipator.

But the public mind, in considering these great and

far-reaching questions pertaining to the new Territories, and particularly the Philippines, has discovered that in the process of studying the means by which the fundamental principles of the American federal system shall be applied to the people of these possessions, so that in the final treatment of their rights in administration no departure shall be taken from the traditional highways of the past, the whole system of self-government in the United States, and the elements of motive and counter-motive which enter into it, must be reviewed, in order to reach a conclusion as to what such government is in actuality, what are its springs of action, and what the checks and balances constituting the means to the end of self-government.

And in this process of investigation the question has arisen, how far has the system of government which is our present heritage under the federal constitution been a success in securing to individual citizens the fair fruitage of those rights supposed to be safeguarded under that system. In other words, have the American people actually achieved self-government at home in the States of the Union, in the sense of proving their capacity to secure its ends under all the varying conditions of experience furnished by our national history down to the present time?

It is the main purpose of this address to point out some facts in the nature of political wrongs, which in my judgment lead to a negative answer to this question; and that incidentally in pointing them out, some reasons for the partial failure in self-government which I believe must be admitted to exist shall be suggested; then to urge the citizen to that attention to public affairs, and that vigilance which is the only remedy; and finally, to impress the thought that when and only when American citizens shall discharge their whole duty in

working out self-government at home, they will be fully competent to the greater task—for such I believe it to be—of administering just government to the peoples of our new Territories.

One of these evils is corruption of the ballot. But the primary causes of election frauds have their sources in two elements of human nature, a vicious and unlawful desire to usurp public office for purposes other than that of the public good, and a wilful abandonment by the voter of his responsibilities as a citizen, for base private ends. No one believes that any aspirant for office who will thus corrupt the source of power can have any good purpose in view; and as to the purchased voter, no condemnation of him is too severe,—for he can do more to make republican government a failure and the idea of the consent of the governed a farce, than any other element in the state. He is the factor in the great problem which has been confidently pointed out by advocates of monarchy and empire as the fatal defect of democratic-republican government since its advent into the field of competition, because the integrity of the voter is absolutely necessary to its success, and his integrity under such high test is doubted.

The unending devices resorted to in the South by which to deny and defraud the negro race of participation in government, are accounted for by motives similar to those already pointed out, intensified by a natural feeling of superiority of the white population, which in turn has emboldened political leaders in that section to proclaim it as the deliberate end of the prevalent system of state constitutional provisions upon the subject of suffrage to fortify and perpetuate a “white man’s government” there. The 15th amendment which, while not conferring suffrage, prohibits a denial of it on race and color grounds, is thus nullified; and while under

the 14th amendment this evil may be remedied by cutting down representation in Congress, no attempt to deal with that question has yet been made by Congress, chiefly because the state of things is regarded as inevitable.

The spirit of mob violence, another excess whose growth has become the subject of general concern, is further evidence of the inability of citizenship to work out the ends of self-government. No plea which has been put forth on behalf of men run mad is any excuse, much less justification of such a spirit. When all pleas and excuses are analyzed, the fact remains that mob "law," so-called, is a defiance of law in spirit and in fact. It is evidence of the inability of men to govern themselves—the first requisite of self-government in the state. Men must learn that a peaceable and lawful mode of settling questions of private rights or public wrongs, however unjust the result, is preferable to a resort to violence under any circumstances. For the lawful mode means government. The mode of violence discards the whole experiment of government.

Still another defect in the character of citizenship, and which in practice leads to disappointment as to results in self-government, is that proneness to credulity which makes possible the reign of the demagogue and the place hunter. The fact that this has been the standing obstacle to safe and permanent rule of democracy from before the time when Demosthenes inveighed against the danger of demagogues in the Grecian city-states, is no excuse for enlightened America being duped by such tacticians whose material is human passion and prejudice upon a background of ignorance. The grave questions arising under our internal and external developments, which must be faced by earnest study and deliberation, are made the subject of dire prediction,

rhetorical clamor and professions of self-devotion to the principles of liberty, by some pretended statesmen who never studied the underlying principles without which liberty cannot be perpetuated or self-government realized. Has it occurred to these blatant seekers of place in the state—for that is the objective of all their efforts—that if the times are tending toward imperialism, the success of the demagogue is one of the first, as it is one of the best evidences of its existence? Nay, have the people themselves fully realized that fact?

Party organization and action is a necessary part of our federal system of government. It grew out of the different theories of the relations of state and federal power under the constitution. Its normal use is practical and beneficent. But when party management falls into the hands of those whose ambition is to use it for personal ends and not to nominate and elect candidates approved by the voice and standing upon a platform representing the sentiments of the party majority, it becomes the rule of the boss, and the principle of the consent of the governed cannot be exemplified, either as to means or results, under such a perversion of party management. But the remedy is not in sulking or despair. It is in the brave grapple of sturdy and resolute citizenship with the internal forces of party management; in insistence upon that citizenship being heard and respected in party councils, and in the deposing of bosses through appeal to manhood and the heroism of that sense of right which is always abroad in the majority. True and effective self-government within party lines can never come until those internal forces are able and willing to rescue management from the peril of usurped power. Nor must the zeal of party action leave the public without a representative. A distinguished writer, speaking of the days of Rome's decline, observed: "In the Roman

Senate Octavus had a party, and Antony a party, but the commonwealth had none."

In the onward march of industrialism and aggregated capital, the trust seems to have become a necessary instrument of the business world. But while the trust may have come to stay, its abuses cannot be permitted to continue. The fatal effect of results already accomplished through corners, monopolies and otherwise amply proves that the public must bring the pernicious trust back to normal action. But how? Not by indiscriminate denunciation of trusts. Not by declaiming against capital and arousing the passions of laborer and consumer by the false cry that capital and trusts both mean public detriment. If, as some seem to believe, the power of corporation and other trusts has become such that it dominates legislative halls and political conventions, neither abuse nor honest indignation will, of itself, suffice to remedy the wrong. Throw upon the subject of trust machinery the persistent light of study and investigation. Know first of all how they are formed to do such hurtful execution, and the true basis of their capitalization. No ordinary legislator can find that out. It requires special skill in the art of scenting out the combinations which act together—for there is the mystery. And it is not that they are corporations. Legislation has so far in general dealt with trusts as corporations, but the most consummate actor in the field of trusts to-day is the voluntary association, acting with corporations—against which association the trust laws do not operate. To-day the people are not, as to the trust evil, self-governing. But the consent of the governed will be realized in further legislation which shall frustrate the latest phases of the trust-cormorants whose authors play the desperate game of hide-and-seek with the public.

Our outlying Territories on this continent (except-

ing Alaska) are now so small that the question whether Congress and the Executive in dealing with the Territories in the past have failed to live up to the Declaration of Independence and the federal constitution, by denying to territorial populations that measure of self-government which those basic laws were intended to guarantee,—may not be the living question it once was, save that it is of vital consequence as a guide for future treatment of territorial possessions in general. Time will not permit of a discussion of the merits of this question upon this occasion. I will only observe that after long study of the territorial question in the eighties while a resident here in the old Territory, I became convinced that the people of a Territory who had come almost exclusively from the States were constitutionally entitled to *some* voice in the selection or rejection of the Executive and the judiciary, that they could be denied such voice only by reading out of the constitution the Declaration of Independence, which the courts have always held to be part of that instrument. And I cannot assent to the idea that those fundamental laws do not apply to the Territories, to the extent of a guaranty of the principle of that declaration. The question of self-government in our West Indian and Pacific possessions, particularly the Philippines, as affecting the peoples of those islands regarded as occupants of acquired territory presents some new phases in the constitutional sense. And great questions of international import, involving our national policy of abstention from old-world politics and alliances, and the Monroe doctrine, are involved in connection with the Philippines. So is the question whether permanent retention of those far-away islands, and the consequences of such retention will constitute a dangerous departure in the American system, either because a vital change in the relation of the federal government to the Territories

may come with the lapse of time, or because those Asiatic inhabitants, living in tropical climes, will eventually prove to have a destiny of their own. Some of the principles at stake involve questions of policy, or are so related to policy that they will never be settled on strictly legal or constitutional grounds. The spectacle of a contingent of arms in resistance of federal authority in the Philippines is unique in our national development. That spectacle is an unfortunate incident of war waged against the former sovereign of those islands, a war which Americans believe to have been righteous. The most precious gift of all the rights enumerated in the Declaration of Independence and guaranteed by the constitution, that of free discussion of questions of state, must be preserved in the great controversy now going on concerning the Philippines. If fair discussion along lines of conviction may not be had without the imputation of treason on the one hand or of reckless imperialism on the other, then indeed must we look to our bearings to see if the principle of the consent of the governed has become a mere platitude when applied to freedom of speech and of the press.

And now in conclusion: Fellow-citizens, we are facing at the beginning of a new century what may prove to be a crisis in national development whose temptations will determine, as never before in our history, whether we are either worthy or capable of that perfect self-government which was the dream of our forefathers, who awakened from that dream and wrote the guaranties which should make it good. The colossus which is the young manhood of the Federal Republic must not allow consciousness of power to lead to its abuse, either in foreign domination or domestic tyranny. The time has come when self-discipline and the ability to resist temptation must as surely be exercised by the people of the

United States, as by the individual who, young in years and perfect in strength, must yield to discretion when fortune seeks to beguile him into forbidden paths because his prowess promises success. The trend of the civilized world is toward territorial greed in the name of trade. Here is the great temptation. But public discretion means, in a republic, individual power of resistance of temptation to a career of license, coupled with intelligent heroism which overthrows internal foes of law and order. The question always is, will the American citizen perform, not shift the responsibility which is upon *him*, and which is the whole foundation of government; which being performed insures good government, which unperformed leaves it helpless to drift into anarchy, or into that despotism which sometimes precedes, but is sure to follow anarchy. The majority of well-disposed citizens always exists. Only their supineness which is cowardice can make government abortive. When that majority will awaken to action, election frauds, the rule of the mob, the sensational declaimer, the party boss, the vicious trust, all will receive treatment which shall end their reign. The deep questions of our refined civilization demand more men of approved competency and integrity in public life, and that demand must be met. That it will be met I have no doubt. But mere criticism and denunciation of government will not remedy political wrongs, nor insure that consent of the governed of which Jefferson wrote but whose full fruition can be wrought out only by sacrificial effort of citizens, who alone are responsible for the outcome. When that end is accomplished at home in the States, the great questions surrounding our territorial expansion can and will be met in turn, with justice to the governed and with honor to the people whose guardianship shall secure that justice.

CAPITAL CAMPAIGN OF 1904*

The proposition of Mitchell is that Pierre is inaccessible to the people of the State and always will be; and she bases that claim upon the allegation that the country west of the Jim river divide is not, and never will be good for anything except for grazing purposes. She proposes to ignore the verdict of fifteen years ago that the accessible point in the Jim Valley was not Mitchell, but Huron, sixty-five miles north, and to fly in the face of the judgment of fourteen years ago that as between Huron, the most accessible point in the Jim Valley, and Pierre, the metropolis of the Missouri Valley, Pierre was preferable.

Sec. 1 of Art. 20 of the Constitution provides that the question of temporary capital location shall be submitted at the time of submission of the constitution to a vote of the people, and that "the place receiving the highest number of votes shall be the temporary seat of Government," and Sec. 2 provides that the legislature at its first session after admission of South Dakota into the Union, "shall provide for the submission of the question of a place for a permanent seat of government to the quali-

*The points embraced in this address were made by the author in the course of the campaign of 1904, in the contest between Pierre and Mitchell over the permanent seat of state government—Mitchell seeking to wrest the capital from Pierre, where it had been located as the result of the original capital campaigns of 1889 and 1890. The substance of the main features of the address was presented by the author who, as one of the champions of Pierre, participated in a so-called "Joint Debate" held at Canton, S. D., between representatives of Mitchell and Pierre in the summer of 1904.

fied voters" at the next general election, "and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government."

And the legislature in carrying out the constitutional provision provided for a form of ballot which permitted Mitchell and every other town in the state to compete for the permanent seat of government, to-wit: "For—as the permanent seat of Government." (Chap. 117, Laws 1890.)

Mitchell is not in a position to seek to re-open the question of location of the permanent seat of government. She had her "day in court" in 1890. By every sanction of the decision in that contest she is bound, as was every other contestant. American and Anglo-Saxon justice is and always has been satisfied by one adjudication—one day in court.

In the contest in 1889 for temporary capital Pierre received over 27,000 votes. Huron over 15,600, Watertown about 12,000, Sioux Falls about 11,900, Mitchell less than 8,000, and Chamberlain about 2500. For permanent capital Mitchell and all other competitors except Huron and Pierre fell out of the race; Mitchell being next to the rear. Davison County, of which Mitchell is the County seat, gave Pierre 574 votes and to Huron only 770 votes, and Pierre defeated her only formidable rival, Huron, by 7,624 votes, thereby becoming in law and in fact the permanent capital.

It is proposed to remove the capital from Pierre to Mitchell upon the theory of Pierre's supposed inaccessibility to the center of population of the state.

And where is that center of population? It is nearly half way from Wolsey to the Hand County line, 65 miles northwest from Mitchell and only 98 miles from Pierre, or only 33 miles further from Pierre than from Mitchell. In 1889 it was in northwestern Miner County, and since

the capital was located at Pierre the verdict of the people placing it there has been reinforced by the irresistible trend of emigration carrying it westward toward Pierre by 40 to 45 miles. At the same rate of travel in the same direction the center of population within the next 25 years will have reached a point in eastern Sully County from 30 to 40 miles northeast of Pierre and 140 to 150 miles northwest of Mitchell—nearer Pierre than it ever was to Mitchell and further west of Mitchell than it ever was east of her. In 1889 and 1890 when Mitchell was in the capital contest the center of population was nearer that city than it ever will be again.

Pierre's inaccessibility! Inaccessibility from where? From the center of population? Suppose the permanent capital were now at the center of population some miles west of Wolsey on the Northwestern road. If it were I affirm that the people of the whole state, including Pierre could reach it easier and in less time than they could reach it at Mitchell. This is obvious from a glance at the map, and a study of current railroad time tables.

The people of Pierre could reach it by rail quicker than could those of Mitchell, and the people of Aberdeen, Redfield, Watertown and Brookings could, on an average, reach it as quickly, so could those from Madison, Sioux Falls, Canton and Yankton. Those west of the river* could reach it but a few hours earlier than if it were at Pierre, and substantially as quickly as if it were at Mitchell. But the people of Pierre and Central South Dakota could reach it easier and quicker than those from any other general locality in the state except from Huron.

*In 1904 the only way of traveling by rail from the Black Hills into eastern South Dakota was through Nebraska via Sioux City or Omaha "around the Horn," thence northwesterly; no railroads then extending from the Missouri river to the Hills.

But the capital removalists have not been willing to risk their case upon the point of Pierre's inaccessibility, and have raised the old cry, now threadbare in the former capital contests, that the country west of the divide between the Jim and the Missouri is worthless for agriculture and that it will never be settled upon, and that Pierre will never be a center accessible by rail from all parts of the state as it is claimed Mitchell is and will continue to be.

The assertion is one of hardihood which denotes the desperation of Mitchell's case.

The country west of the Jim and on to the Black Hills is the same in character and natural resources as that east of the Jim. Everybody who has seen it and known of its fertility must be convinced that the soil of that entire region is as fertile in producing all kinds of vegetable growth as the country to the eastward. The fact that livestock raising has been the chief industry in that region simply proves that as a grazing country it has been pre-eminent, and as long as it remained an open range that industry thrived as could no other. What it has achieved in that direction has made the name of South Dakota famous as has no other single industry save that of mining, for there has been no other cattle range its equal on the American continent. But the day of the cattle range in central and western South Dakota is passing—it has already passed as to immense herds ranging at large. Homesteaders are taking the place of the cowboys, and the conservatism of vested interests in livestock has had more to do with keeping the homesteader out than all the facts and all the talk about "barren wastes" and meagre rainfall. As to rainfall, the fact is that at Pierre the total per annum has been but slightly below that of the Jim valley as recorded at Huron. For the last seven years the average rainfall

at Huron was about $18\frac{1}{2}$ inches, and at Pierre $17\frac{1}{2}$ inches, as recorded by the weather officers at those points, and for the last four years it was 18.85 per annum at Pierre and only 19.24 at Huron, while for the last two years it was 19.80 at Pierre and but 17.62 at Huron. Nobody now denies that the Jim valley is safe for agriculture, though as we all know it was a more doubtful question not very long ago. As to grasses, their richness, and the wonderful process of nature by which they were cured and preserved through the winter season so that livestock thrive on them without artificial feeding is proverbial. Is it any wonder that the claim shack now attests the faith of the settler in the value of the public domain west of the river as the theatre of future homes, fruitful fields and all the accessories which pertain to eastern South Dakota? Last year Hughes County, of which Pierre is the county seat, took first prize for an agricultural exhibit at the Central South Dakota fair, and second prize at the state fair. Corn raising and dairying are already becoming the leading features of general farming in the river counties, and this is true to some extent west of the river. But what seems to bother the Mitchell capital removalists is how to give the country west of the river a black eye without becoming obviously ridiculous in delivering the blow. If that region is worthless why talk about railroad building from the river to the Hills? Yet Mitchell papers and documents promise, as an inducement for removing the capital from Pierre southeastward 150 miles, that railroads are soon to be built from the river (at Chamberlain of course) to the Hills. What is going to induce the Milwaukee Railroad Company to build from Chamberlain westward at any time? If she builds there next year or two years hence will it be because the people by their verdict next fall have said that country is good for nothing

and that the capital shall be removed from that region to a point more than half way across the eastern half of the state? Certainly not. Railroad managers build roads where people are going in numbers sufficient to create towns and produce crops whose marketing will sustain and expand cities. Therefore, when the Mitchell boomers cry down western South Dakota as a "desolate waste" in one breath, and in the next hold out the promise of railroad building which means a land of plenty, they stultify themselves, they do what would be merely ridiculous if it were not more serious in its consequences to the vital interests of the whole state and her institutions.

For in that cry, if it is to be effective in securing capital removal, there is the withering fire of devastation to the myriad acres of state lands situated almost exclusively in the central-western part of the state, upon whose value depends the welfare if not the life of the state institutions endowed thereby, and whose value would be blighted for a generation to come if the people thus declare them worthless.

Mr. Silsby, Mayor of Mitchell, who is Treasurer of the Mitchell Capital Removal Committee, and National Bank Examiner, and a gentleman of excellent standing and approved judgment, does not hesitate to place himself on record in favor of the stability for agricultural purposes of land on the west side of the divide between the Jim and the Missouri. In a straightforward letter addressed to a Mr. McFettridge of Wisconsin who wishes to learn where he can to best advantage invest in South Dakota lands, Mr. Silsby recommends Hyde County, referring to some improved lands there (located about 45 miles from Pierre) which he declares is a "well equipped ranch" and which although "not on the market" is held at \$20.00 per acre, part of which is "in feed crop this year, which includes oats, speltz, corn and sugar

cane," with hay yielding well, which land cost "three years ago" \$7.00 per acre; in which he declares that "as soon as owners find a man trying to bunch up a few sections he is sure to raise prices," that the ranch "paid 7% last year"; in which he further says: "Understand I am answering your letter and not trying to dispose of lands." This sound and unprejudiced advice is commended to the Mitchell capital promoters who find nothing to westward except "barren wastes," "Gumbo hills" and meagre alkali grazing lands. The Silsby letter proves the bad faith of his fellow-workers when raising this ridiculous cry against the fair domain of the Missouri slope and Western South Dakota.

Between the river and the Hills, there are of school lands 249,000 acres; in the Hill counties 840,000 acres; counties adjacent to Pierre 820,000 acres; total 1,909,000 acres; in thirteen northeastern counties 432,000 acres; in 21 counties adjacent to Mitchell 238,000 acres; total 661,000 acres; 340,000 acres unsold, making a grand total of 2,570,000 acres.

Or, 2,332,000 acres outside of Mitchell territory to 238,000 in that territory, or 59,500 acres unsold, or almost ten times as many acres; while of endowment lands alone there are but 1513 acres in Mitchell territory to 709,154 acres outside of that territory, or over 468 acres to one.

Of these lands, 82,000 acres, the most of which are west of the river, were donated by the federal government for construction of buildings at the seat of government, and out of the proceeds of which an ample fund will be available for erection of a permanent capitol building.

Removal of the capital from Pierre would result necessarily in greatly retarding the sale of the state school and endowment lands, with resultant loss which could

be nothing short of disastrous. Suppose the sale of the 1,898,274 acres were delayed for twenty-five years at the minimum price of \$10.00 per acre, the use of about \$19,000,000 for that period would amount to \$23,000,000. Deducting from this the lease-hold revenues which would amount to about \$3,500,000, and the total loss for twenty-five years would be over \$20,000,000.

There have been 21,606 land filings at the Pierre, Chamberlain and Rapid City land offices since 1890, or 5400 square miles of territory thus settled upon, substantially all west of the Missouri river. Out of this 13,200 filings were made since January 1st, 1900, or 3300 square miles of land.

In her zeal to wrest the capital from Pierre the Mitchell removalists represent that the capitol building at Pierre is a ramshackle affair not fit for occupancy by state officials and records. The truth is that that structure is a substantial and capacious one, well fitted to accommodate the state officials, having a fire-proof vault in connection with every official department. The ground area of the main building, and which was donated by Pierre, is 52 by 140 feet and the wing, built by the state, 52 by 120 feet, making a ground area of 13,520 square feet, and the building is two stories high throughout above the basement, making its total capacity 27,040 square feet besides the basement.

The City Hall of Mitchell is 85 by 110 feet, making the ground area 9350 square feet. But as the auditorium room extends through two stories its floor space must be deducted from the second story, which leaves but 3950 square feet for the second story, or a total capacity of only 13,300 square feet above the basement, less than one-half the capacity of the Pierre capitol building.

The basement of the capitol building is used largely for storage of records, which would be the case if the

Mitchell hall were used; and if Mitchell is to use even part of its hall for city purposes all of the basement and some part of the upper floors would be necessary. This proves that the Mitchell hall cannot be large enough for capitol purposes; and there is absolutely no place in that building except the auditorium large enough to contain the members of the state Senate.

Will not wisdom be manifested in recognizing at the coming election the result of the former capital contest, rather than ignore it? In appreciating the growth and value of our western domains and not in spurning the grand heritage there represented? Should not the people realize that where the strategy of nature has joined geography with commerce in building up the immense fur trade of primitive days, an overland traffic as old as the discovery of gold in the Black Hills, and a livestock industry second to none on this continent, there must ultimately rest the mantle of supremacy in railroad extension and commercial activity? That to foster the landed interests of the state and not to smite them with the tongue of slander is the duty and the trust of every city and every community? That the pretence of worthlessness of our western domain necessarily reaches the ears of people and capitalists in the east, that they will give credence to these gross misrepresentations, and that the success of that pretence means the impoverishment of our state institutions resting upon the value of that domain? That the part of thrift and common sense is to hold fast to the ample capitol building and the spacious ground upon which it stands, now owned by the state, rather than give it up for mere promise of a municipal hall which cannot in law be diverted to such ends and which at best is inadequate to the purpose of a state capitol? To steer clear of unknown and unknowable expense of capital removal? To cherish permanence in the

judgment of the people, rather than encourage agitation for removal of state institutions? That to upset that judgment based upon a deliberate vote means that upsetting, geographically, other institutions whose locating was not based upon popular vote will be less difficult? That it stands to reason that if the only state institution now situated in the region between the Jim river and the Black Hills, is taken eastward to the Jim river, the future will witness reprisals from the eastern section, and that no man can tell upon which town the hand of institution removal will be laid? Is it not wiser for the people to proclaim to those of other states, and to themselves, that South Dakota is deliberate in her growth, consistent in her policies, and mindful of her vested property rights, rather than to promote the impolicy of caprice, instability, and want of good faith towards communities whose citizens have invested their money on the strength of a question settled? And, finally, is that a just cause which cannot be promoted except to the discredit of three-fourths of the state's domain, by slander of her resources, by insult to her intelligence?

No. The answer to these questions—for they must be answered in determining this issue—will be: The people honor the past and its decrees, they uphold all the resources of the state, they encourage the aspirations of all her citizens, they malign no locality within her borders, scorn no element of her greatness, blast no hopes of her future. They will hail the West for what it is—the harbinger of expanded statehood, the guaranty of fulness in wealth and prosperity, the destination out of whose growth comes welfare to every community to the eastward, upon whose development depend all possibilities in railroad extensions, commercial ties, industrial development. The spirit which would remove the capital from Pierre cannot build a state. The spirit which

will leave it where it is is the guarantee of true state-building.

Therefore "stand pat"* for Pierre, progress, permanence and prosperity.

*This phrase was the slogan used by Pierre in the capital removal contest of 1904, and was engraved upon her campaign button. It was intended as an appeal to the voters to stand by the verdict of the people as registered for Pierre in the permanent capital campaign of 1890—in other words, to leave the seat of government where it had already been located.

THE SUTHERLAND MEMORIALS*.

In presenting on behalf of your many friends in Pierre another token of the high regard and the gratitude which they feel towards you for the illustrious service which you have for so long a period performed for this city and community, it would seem that the best evidence of what that service has been is the largeness of the issue which first called you and your fellow-townsmen into the activities which promoted the various capital campaigns; an issue which, growing with the growth of years in the expansion of our young state, had long become the all-absorbing subject of discussion, intrigue and action throughout the length and breadth of our territory.

While not a question of party politics, the issue of the seat of government has been one which never failed in any party state convention to have a bearing upon the event of the convention work. In some instances it became a large factor in the solution of the issues involved in such conventions. Perhaps in no other state of the Union has the determination of the location of the permanent seat of government been so closely connected with the development of the state and with state politics as in South Dakota.

And the abilities with which and the spirit in which that issue has so long been maintained by the successive

*Remarks of the author in presenting to Hon. John Sutherland of Pierre, on behalf of many of her citizens, a cane which, with various other mementoes of his great service in the cause of Pierre in the three capital campaigns which had been part of her history, was presented to him at a gathering of citizens in the Carnegie Library Hall in Pierre, May 6, 1905.

capital committees, backed by the equally able and persistent constituency behind them, until the town, first made the temporary, then the permanent seat of government was protected against a third attempt to locate it elsewhere and rose triumphant above the vicissitudes of time and circumstance, are summed up in the talismanic phrase "Westward, Ho!" and in the citizenship which made that sentiment the arbiter of the great question in the end, as it had been in the beginning. For it was the genius of the American pioneer in setting his face ever to the West which shone forth in every feature of the action of the people of this Commonwealth in deciding that, once the temporary capital was fixed upon the storied hills of the city in the valley of the Missouri, no spot to the eastward should ever supplant it.

In the three successive contests you shared the labors of the respective Pierre capital committees. Upon the first, when seven cities strove for the honors of temporary capital, you acted as president. Of the second, after victory had crowned the labors of the Pierre hosts, you were likewise chosen chairman. The two contestants in the campaign of 1890 represented locally the Jim and the Missouri valleys, respectively, but in a larger sense Huron stood for the conservatism of the east while Pierre voiced the progressive spirit of the west, within the state borders. That voice however was reinforced from every city and hamlet of the eastern section of the state outside of Huron, in a spirit which was really the deciding agency in all these memorable contests; a spirit upon which the friends of Pierre counted with confidence and which the people of Pierre never did and never will forget.

The winning of the contest for Pierre as permanent capital in 1890 should have been, as the federal Congress and the people of South Dakota intended it should be,

final. But the exigencies of legislative politics,—played too often upon lines of factional selfishness and personal ambition—resulted in opening for a third contest this question.

Again, and under circumstances making the act all the more significant, you were selected from no small array of excellent material, to head the next and third capital committee, whose action under stress of poverty of financial means, occasioned by the extraordinary demands of past campaigns, brought renewed glory to the standard of the "Peerless City" through a decisive majority against Mitchell, and placing our citizens under still greater obligations to the committee at large and to yourself as its active and virtual head.

During the long interval between the campaign of 1890 and that of 1904 you were called upon in all emergencies involving the welfare of this city as the possible subject of future capital contention, for the exercise of those faculties which have at all times distinguished your labors in the cause of Pierre and state-building as against the impolicy which caused men to hesitate and doubt as to what it was best to do in using the capital issue in the settlement of the state upon the lines of her destination—for it was destiny which was decreed in the vote of 1904 and which, in turn, proved that fourteen years of statehood had emphasized the verdict of 1889 in favor of the fitness of all parts of the state for contributions to her resources, vindicated the enduring and persistent loyalty of the Black Hills for Pierre, and assured the ultimate cementing together of the varied interests of our commonwealth.

And coeval with the planning which Pierre and her neighboring localities did in the last contest, and as the foundation for legislative work which, in the event of our winning as against Mitchell, it was foreseen would

be necessary in order to render the third victory fruitful beyond peradventure, you were selected as the standard-bearer of a great political party whose nomination of its candidate was known to be equivalent to an election, as its candidate for representative in the legislature of 1905. Your services in that legislature, after having been elected by the practically unanimous vote of the legislative district, was of an order to crown all preceding efforts on your part in the cause of Pierre. The passage through the lower house by an almost unanimous vote of a comprehensive and liberal measure providing the means of carrying on the erection of a permanent capitol building, proved your abilities as an unassuming but persistent and persuasive legislator. The fact that that measure went beyond the terms finally agreed upon by both Houses reflects special credit upon your masterful work in the premises.

Any tribute which can in fairness be paid to you in words or deeds concerning your services on behalf of Pierre, must necessarily be a tribute likewise to the common citizenship of this city and to many other representative men who during the long struggle for her supremacy have bestowed upon her their best efforts in the common cause. For in all that you have done for Pierre you have but reflected and helped to make available the dominant spirit and efficiency of her people at large. That you have not been and have not assumed to be "the whole thing" in any campaign or upon any single point which has arisen for consultation and determination in the inner council of the committees, is but another way of indicating that the rank and file of our people, in every walk of life, have been drawn upon for assistance; that your co-workers upon the successive committees have been deferred to in a sincere attempt

on your part to profit by their eminent advice and co-operation.

When this has been said the plainest instincts of justice to yourself would indicate that the qualities which apprehended and grasped the energies and abilities which have surrounded you and used them in the sense of leadership; which enabled you to meet fellow-citizens in all walks of life and in every part of the state and to deal with them on terms of advantage to the city you represented; which kept you singularly free from errors of judgment under most trying circumstances,—in a word, which made you to comprehend situations and to speak and act with diplomacy and the grace of the master—should be praised here and now while the gratitude of those who have thus been benefited is expressed in this memento which I now present to you in their name.

Accept and preserve this cane as a symbol of that help which you have been to this city. Regard its properties in the two-fold sense of a physical aid in time of need and as a support of your character of public benefactor, so durably impressed upon this community. Let its embellishments stand for those golden attributes which put away personal preferment for the public good. And be assured in receiving it that it comes from the heart of every man, woman and child in Pierre whose property rights and communal welfare have been so ably and so nobly promoted by the donee.

FEDERATION OF WOMEN'S CLUBS— THEIR INFLUENCE*

It is my extreme pleasure, as I feel certain it is that of the people on whose behalf I here speak, to extend to you that welcome into our midst which means nothing less than that the City of Pierre is yours while you remain with us.

Your presence here, or elsewhere in the state in annual convention, means that South Dakota is keeping pace with North America at large and with the most liberal countries of Europe in promoting a civilization whose landmarks show the presence of woman as an essential factor and whose accomplishments could not be what they are without her co-operation in mental as well as moral suasion.

"Consider the End," reads the admirable and significant motto which is the talismanic head of your organization's current Club Manual. What responsibility and what patience are involved in working out higher civilization and promoting human happiness in the inevitable process in which the end is always at hand, yet never to be attained. Responsibility, in that immediate results of the labor involved, as well as those more remote may and therefore should be accomplished. Patience, in that devoted plodding and long waiting are in all upward movements and are incidents to all reforms.

Without reserve I declare—and the expression is inspired by profound conviction of the purposes for

*Address of welcome to the South Dakota Federation of Women's Clubs, at their annual convention held at Pierre, S. D., August 25, 1908.

which your organization stands—that, measured by its aims and the established means of working them out, your Federation is such as renders this the most important convention that has ever assembled in this Capital City.

Here at the seat of government are centered, as sentinels and executors in the civic march of one among the grand sisterhood of States, three co-ordinate departments of government. They constitute the triumvirate of powers which were born with and stand guard over the palladium of rights in this country of ours. All three departments are essential to government and to Anglo-Saxon civilization as evolved in the New World.

Safeguarded as are our rights under the joint administration of the legislative, the executive and the judicial arms, yet the ends of government will fail without that fostering care and nourishment which civic institutions, outside of government and formed and promoted to improve character and good citizenship, constantly bring to bear in purifying and strengthening the sources of power—the people in that communion known as society.

And no instrumentality can minister in so high a degree to those divine ends as one whose concrete objects are to promote the love of home and community through the arts which adorn, ennoble and immortalize the qualities of beauty and of virtue and lend to them the enticements which pertain to their higher estate.

That the Federation here represented is consecrated to those ends is abundantly shown by your constitution, by the twelve standing committees through whom the great work of your organization is directed and by the impressive and potential work already done by your fifty local clubs in this state.

In no other country are women recognized as co-builders with men as in America. Nowhere else do they stand for as much as they represent in the ceaseless activities of the great American Commonwealth.

Some one started the inconsiderate alarum that woman, given the elective franchise and the free scope which many of them long for in the struggle of the world's ideas and measures, would become unsexed. I am not here to exploit in theory the possible consequences to the sex of exercise of the suffrage by woman,—in the lawyer's phrase it is probably "incompetent, irrelevant and immaterial under the issues joined" on this occasion. But I declare that woman, engaged in the high and sacred cause of promoting the ends of such an organization as this assembly is here to commemorate is but exercising one of her noblest native attributes, the faculty of thinking, discussing and planning how to make life and society more healthful, home and community more attractive and the intellectual and moral elements of mankind more refined.

She has conclusively made out her case of authority to do these things by what she has accomplished in the schools. In the trial resulting in the verdict already entered to that effect she has kept pace with or has outstripped her male competitor. Should she be regarded as encroaching upon the domain of men, or as taking on in some degree the masculine character when she in the later and broader activities of life continues these pursuits as an incidental avocation? The interrogatory answers itself with an emphatic negative. It is enough to know that she is competent to the task and that the world is in great need of her services.

And those services are all the more in demand because in their exercise there are so mingled the qualities of head and heart as to make woman a salvor in the most

urgent cause of the regeneration of society and the safeguarding of the sources of political power. That cause is urgent for the reason that the average manhood which enters into business and government in the strenuous pace of the American Republic has so far fallen from its former estate as to constitute a menace of the future.

Not all of the individuals whose failings past and present, account for this condition of things were or are men. But the majority of the women who stand for up-building and civic reforms is so vast that their enlistment in the general cause is in itself all but a guaranty of results.

This City on the Hills by the River is, through its dedication to the aims of statehood by virtue of its official headship in this Commonwealth, commissioned to hail your Federation as one of the chief among the agencies whose handiwork redounds to the beautification, purification and enlightenment of all the faculties of state in that procession which reflects the true glory of men and women engaged in the most exalted cause of which mankind is capable—the more perfect fitness of society to save itself, and through itself the state. Again I say: Welcome to the Federation of Women's Clubs into the City of Pierre. May it continue to flourish and wax stronger as the years go by. In these thoughts we tender you the keys to the gates of the Capital.

SCANDINAVIAN INFLUENCE UPON AMERICAN CIVIL LIBERTY*.

The Norwegians and Swedes who have emigrated to America and become part of our national citizenship have probably reinforced the spirit of civil liberty in the United States as much or more than has any other race among the Anglo-Saxon contributors to our country's civilization.

The rugged and uncompromising instinct of the Northmen, whom the Sagas exploit as demi-gods and who later as Vikings and Goths dominated Europe and western Asia in the Middle Ages, who conquered and for centuries ruled Rome and who commanded the respect and aroused the fear of the Eastern Empire at Constantinople, who were pioneers in the piracy of the North Sea and the Baltic and who roamed without fear upon the Atlantic Ocean and the Mediterranean in quest of plunder or commerce before the law of nations was anything more than the rule of might as right, who in Lief Erickson discovered America at the end of the tenth century, who emerged from the faith of pagans to embrace, adorn and propagate Christianity; who became "the Mother of Russia", who in fighting Englishmen "created an English people", who in modern times were among the foremost in the wars, the diplomacy and the policies which held the fate of European nations in the balance, while upholding at home the rights of freemen

*Address delivered July 4, 1908, at Smith's Grove, Byron Township, Hughes Co., S. D. The settlement in said Township being composed very largely of Scandinavian citizens, the theme of the author's discourse upon that occasion was deemed to be an appropriate one.

though they had to hew them with the ax from earls and petty kings or win them by the tactics of spear, shield and gun from greater kings and aristocracy,—that instinct was still their inspiration and their guide when they brought with them across the ocean these elements of manly virtues and planted them in the fertile field of American husbandry, where they have flourished and developed into sturdy trees of that forest which is the civil liberty of the New World.

The citizen of American ancestry cannot fully comprehend what it means to bid farewell to fatherland abroad and to come to America, experience naturalization and enter as a unit into a new commonwealth and become identified with its destiny.

But if he has attentively read the history of his country he must know that the very process of severing of foreign ties and the forming of new ones in America was the warp and woof of the fabric which was the work of our forefathers, the foundation of the democracy which preceded the Federal Union. It is but a step from that conception to the logical conclusion that what is constantly going on in the upbuilding of the American Commonwealth, through the infusion of new blood from the nations of the Old World, is the inevitable process by which, as preordained, the torch of liberty should be kept lighted and borne aloft in the land whose first settlers brought it hence.

In this sense we all feel that this adoption of citizenship is so natural in the economy of nations as to be obvious and to elicit no surprise, but only to suggest the greetings of friendship and the welcome of mutual participants in a common welfare.

Thus, from the sea-kings and the rude yeomen of Scandinavia are traced many of the dominant landmarks of nation building in England and in continental Europe ;

and the world's history would be wanting in numerous salient features if Viking, Goth and the more refined elements of later ages of the Northman's sway were left out of the account—indeed, that history itself would be a far different tale had not the indomitable spirit, symbolized in Odin and Thor, laid the foundation stones upon so large a portion of history's domain.

No other country so universally brought to their knees kings who ruled oppressively or sought, against the popular will, to direct the succession in kingship as did the Norwegians and Swedes. No other monarchy ever enjoyed greater popular rights in the same stage of national growth. No other people, not even in America, ever insisted more strenuously or more successfully upon recognition of fundamental rights than did the Scandinavians from the ages of the Vikings down to the most modern day. No other element of citizenship adopted from foreign lands has injected into the American Commonwealth more of the true spirit of liberty than have the sons and daughters of Norway and Sweden.

When at the end of the tenth century they forced the abdication of Olaf Lapking in Sweden for violating the promise of his daughter in marriage to King Olaf of Norway and giving her to a Russian prince instead; when two centuries later they arose against the Danish Prince Magnus Hendrickson, who murdered the sainted King Eric, and vanquished his army and killed him therefor, thereby uniting the Swedish provinces in peace and harmony; when in modern times they refused to be frightened by Napoleon when he invaded Swedish Pomerania, prepared for war and thus warded off danger of his tyranny; when in 1814 Norway fought for independence and against involuntary cession of her territory by Denmark to Sweden, though weakened and impoverished by exhausting wars, inexperienced soldiers and a

strong opposition party at home, and opposed by the prowess of the distinguished Prince Bernadotte as leader of the Swedish arms and by England, Russia and Prussia, and the stout hearts of whose subjects refused to yield until after her weak King Christian had abdicated his powers, nor even then except on condition of the recognition by Sweden of the Norwegian constitution and the entry of Norway as a member of the dual kingdoms in the union of the two countries under the settlement which, with but slight modifications, has lasted down to the present time; and when finally in 1904 the Norwegians revolted against the Swedish administration under that constitution and forced the temporary abdication of the renowned King Oscar II because the Swedish aristocracy suppressed the Norwegian name in international relations and refused her separate consuls,—thus by these acts of resistance recovering recognition of her equal rights abroad as well as at home—in all these and many other instances in the long struggle for popular rights by Norwegians and Swedes they have exhibited the instinct of freemen against all odds in arms, and even against strong and able rulers under whose administration fundamental laws had been perverted.

After the American Revolution was ended Sweden was the first nation to enter into a treaty with the United States, and it was concluded some months before the definitive treaty with England was signed. Gustavus III, ambassador at Paris (where the American-English negotiations were progressing) said to Franklin, our representative: "I hope it will be remembered that Sweden was the first power in Europe which, without being solicited, offered its friendship to the United States." That treaty of amity showed by its "most favored nation" clauses how sincere were the mutual ties between Sweden

and our government concerning maritime trade and the rights of neutral powers.

Within eighteen years after the landing of the Pilgrim Fathers Sweden had—under the auspices of the Netherlands it is true, but upon her own initiative—planted the colony of New Sweden in what afterwards became Delaware. The royal charter under which that settlement was made excluded slaves as colonists, and invited men of all ranks and of every European nation to participate in its benefits. Religious liberty and the rights of man were its fundamental elements. Gustavus Adolphus, one of the most illustrious statesmen of any age, and of whom the historian Bancroft says he was “the greatest benefactor of mankind in the line of Swedish kings”, solicited that charter, and recommended it to the people of Germany; and that empire became one of its beneficiaries. And although the colony was overrun by the Dutch in 1655, its descendents made a lasting impress upon the American character by their purity of morals, their desire for education and their tendency to peaceable relations with the Indians.

The native interest of Scandinavians in free government and material prosperity in the United States brought many of them to our shores during the half century following independence, but it was not until near the middle of the last century that a special incentive to emigration to this country was aroused through the religious controversies at home and because of the repressive laws of military service there. The movement thus initiated resulted in the larger portion of the immigrants making their homes upon the western and northwestern prairies and in the growing cities which sprung up throughout the western domain; and in both country and city life these former subjects of the dual kingdom

have made great progress in material prosperity while exercising their genius in aiding the work of common citizenship to the common end.

In the Civil War Swedish sentiment was on the side of the Federal Government, and many young soldiers from the Swedish and Norwegian army joined the Union forces. The great growth of commercial activity following the close of that war induced the coming hence of large numbers of laborers and artisans from the old country, thus increasing the stream of immigration which has continued to the present day.

In those who are here gathered whose fatherland is some part of the Scandinavian peninsula, I recognize a representative group such as almost every locality in the West might furnish, whose hearts are warm towards the communities which surround them, and whose loyalty to our institutions and government are proven by their daily devotion to the duties which adorn our common citizenship, and by their very love of the fatherland the memories of which cannot but quicken the resolve to live for what Americans must stand for if this country is to continue in freedom. The race-element which you represent—all the struggles which have gone on in the process of civilization in Scandinavia—appeal to you, I am sure, to impress upon you the responsibility which is upon you and your fellow-men of the old country who have adopted America as your permanent homes, to help to make this experiment in free government a permanent success.

And that means that every man must know that *he* has a part of the work to do in solving new issues as they arise. It does not mean that he must hold office, although official responsibility will come to more or less of all citizens in the inevitable process of making, interpreting and administering the laws. But it means, first

and last that private citizens have the fate of the country in their hands; that indifference or disgust over conditions which need improvement is but fleeing from the duty of the hour when a resolute forward charge is demanded of him. And it means that unless our voting population cherish the principles of good citizenship by *being* good citizens, the ideal for which this country stands will soon be lost sight of, and other and delusive ideals leading to destruction of our social and civic virtues, will be born in its stead.

Finally, fellow-citizens, let it be impressed that in this composite body-politic forming the American Commonwealth, the salvation of our country depends upon the devotion and guardianship of the foreign elements which have intermingled and will continue to assimilate with what is left of the native fibers of our racial and civic structure. That native element, when regarded in its real proportions, is seen to be constantly waning. With the growth of the increments from abroad will come growth of responsibility upon that side of our civic society. The foreigner who comes to America to participate in her destiny must understand that as a condition to his entrance, he assumes responsibility for government the moment he becomes possessed of the elective franchise—nay, when he takes the first step towards citizenship. He cannot be regarded simply as a prospective beneficiary in the blessings of government—our system cannot permanently stand the strain of such a construction of his status. He must help us to preserve good government while partaking of its benefits.

But as a native American whose ancestry in New England measures two and a quarter centuries, I here hail those who or whose parents or grand-parents came from the Land of the Midnight Sun, in the happy reflection that you are alive to the responsibilities which are

upon you and of which I have spoken. The land which can boast of the richness of material of the Sagas and the Eddas; whose valiant sons by deeds of daring have graced the archives of the history of all the ages pertaining to those activities which carve out states in the glorious reign of the Anglo-Saxons in Europe and America; whose uncompromising warfare for freedom has been the most prominent example to continental Europe and in modern days an inspiration to Americans; whose people are such songsters as delight in the tradition of Brage the God of Song, and can boast of the Song of Scald which made King Magnus repent his tyranny and become the Good, and of Jennie Lind, the "Swedish Nightingale," who had all the world at her feet, and of Christina Nilson; whose scientists in Linnaeus, whose musicians in Ole Bull, whose sculptors in Sinding, whose composers in Greig, whose artists in Thaulow, whose architecture, immortalized in the Gothic dome of Trondhjem, whose inventors in Erickson, whose poets in Tegner and Bellman, whose statesmen in Gustavus Adolphus and Oscar II, and whose writers in Bjornson and Ibsen prove the wealth of her civilization and the glory of her achievements—such a country may well awaken sense of fatherland and of old family ties while serving as an inspiration to her former subjects in promoting the principles of civil and religious liberty in America, in honor of which we are here assembled on this Independence Day.

A TRIBUTE TO COE I. CRAWFORD*.

Boundless energy, fearless advocacy of his client's cause, stern and drastic invective against those who sought to trample upon his own rights at the bar—these were the qualities the memories of which mark my first information of him who is the subject of this sketch, the then young man who, in his maiden efforts in justice's court after settling in Pierre in 1884, had by sheer force of manhood expressed in matchless eloquence aroused inquiry and astounded listeners passing by and who eagerly inquired "Who is he?" to be told "He is Coe I. Crawford."

He was then officing in a neat little shack on a corner lot near the site of what soon thereafter became the famous Wells House in East Pierre. But he was known from one end of the scattered and fateful city to the other—known to fame, for her coronet was on his brow from the moment when his voice was there first lifted in the cause of justice and of public discussion.

He had soon thereafter acquired a clientele whose demands kept him busy, and had removed his law office into "Pierre Proper"—on Pierre street some half block from the river; where all that he possessed in the way of a law library was consumed in the great fire of September, 1884. The next day he hung out his "shingle" on Sioux Avenue opposite the railroad depot, undaunted and cheerful as ever. Hayden Brothers—now doing business in a palatial establishment in Omaha, were then

*Published in the *Progressive Republican Handbook* issued by the Republican State Primary League of South Dakota for use in the political campaign of 1908.

headquartered in Pierre, and their fire loss was the subject of a spirited contest in which Mr. Crawford represented them. He also won an important case of personal damages against the Erie Telegraph & Telephone Company. These and other cases brought him into local prominence at the bar, and his practice grew apace. Never from that day has he been other than diligently employed when practicing his chosen profession.

It was my good fortune to have been the law partner of Mr. Crawford from November, 1885, until February, 1897. During those years he was successively states attorney of Hughes county (1886-8), Territorial Senator (1888-9), State Senator at the dawn of statehood (1890-1), and Attorney General for two terms (1892-6); and in the latter year he was a candidate for Congress, failing of election by a small vote in the season of triumph of the populist party.

In 1885, when the Taylor defalcation occurred, Mr. Crawford as attorney-general pursued Taylor and his bondsmen with unflagging energy and saved to the state all that faithful and exhaustive labor could accomplish. I could not well forget his unremitting application to the large official task which thus confronted him—the manifold labors of pursuit, criminally, of a fugitive from justice, and in numerous civil suits seizing his and his bondsmens' property in something like a score of counties where attachments were laid and suits involving titles were instituted, while handicapped by persistent efforts of representatives of some of the bondsmen to bring about a compromise short of what official duties required of him. Nor can I refrain from here asserting my belief that the people of the state did not fully realize the large services rendered by Mr. Crawford as such official in those cases, the stacks of files in which were truly imposing.

During those years of our co-partnership it was, substantially speaking, my experience to be in contact with Mr. Crawford in the performance of professional duties, and (save when he was in the legislature at Bismarck) in some sense while he served the public in a legislative capacity. Observation of his activities and aims was thus afforded me to an extent which, it is believed, enables me to give some fair estimate of his character, his abilities and his ambitions.

His greeting is that hearty wholesome approach which tells of the zest of life and the sacredness of life's purposes. His poise is that of generosity tempered by judgment.

His keen intellect promptly detects a fallacy. I do not believe that he can be easily imposed upon by a false issue.

He is in dead earnest in whatever he sets out to do, be the act one pertaining to small or to large things. And he is able to accomplish much.

His sense of responsibility to the public, as its servant, is deep and sincere. His services in that behalf in the various connections of his official life thus far amply prove, as I believe, all that is here claimed for him.

Amid all the varied scenes of manifestation of his personality among his fellow-men, observed by me, whether clients, neighbors or co-workers, in political, legislative or other fields, the thought most often present in my mind as the impression made was and is: There is a *man*.

For among all his qualities of head and heart that of solid manhood always seems to me to tower above the others.

In his home life he has always been an ideal head of a family. To be there a guest is an unalloyed pleasure.

His sincere christian spirit is manifest in his daily walks, action and purposes.

It has always seemed to me that his acquaintances and fellow-workers in all walks of life in which they have come in contact with him have felt and placed implicit confidence in him, and that his absolute integrity fully warranted that confidence.

There is oratory and oratory. But I spoke of Mr. Crawford's *eloquence* in the outset as a distinguishing feature of his character, and in the sense in which he possesses that rare gift, mere oratory is not to be compared to that inspiration which reveals the soul when truth is being impressed upon an assembly from the speaker's heart and as the result of profound conviction of such truth. Oratory may and often does take on studied attitudes of speech. It may and too frequently does lend itself to the damning expedients of false issues, of personal detraction. Effect in mere sound is likely to be one of its chief aims. It calculates upon the turn of sentences and anticipates applause. Eloquence, unconscious of the form of speech, results from being inspired by innate truth and from an impelling will to make it known. The popular view often confounds oratory with eloquence, but in origin and character they are essentially different qualities.

Early in my acquaintance with Mr. Crawford his native ability in the command of plain yet graceful and effective language in his addresses impressed me. He is incapable of posing. If to these be added his intense earnestness of purpose in laying bare and denouncing error and in unfolding and declaring the truths involved in the subject in hand, the essentials of eloquence from the rostrum, exhibited in Demosthenes and other great examples among the immortals, are believed to be embodied in him in whose honor these lines are written.

In his comprehension of the faults of the times and of the needs of the people in view of them, Gov. Crawford has for years gone into a study of the great questions thus arising, and has perceived the need of both state and federal legislation as remedies. With him, to be convinced that the hour demands action is to act. That country is believed to be in danger is to him the signal to the post of duty in her defense. But this is stating only a part of his case before the people.

For he is by instinct a leader. With the growth of his ideas upon the teeming issues which have engrossed the public mind in the last generation and which are largely still in the fiery furnace of eager discussion and concern, have been heard from one end of this State to the other his masterful addresses, urging that men should be convinced of certain wrongs which unbounded prosperity and the excesses which will grow with and upon it have imposed upon the people—and that being convinced, they as voters should act, since the remedy for these wrongs is in going to the polls and voting for men and measures to eradicate them.

He thus became a prime mover in the promotion of issues through which those excesses have been and still are being curbed. And as those wrongs have been assailed in their growth they were championed, directly or indirectly, by such policies and such tactics as their defenders deemed necessary to thwart their overthrow; in which process pernicious tendencies have developed in the management of political parties, resulting in concentration of power in the hands of a few who thus, doubly armed with the lust of power and with the special interests behind them, made it possible for so-called machine tactics and bossism to flourish for a time, and in the very nature of the situation the interests of the whole people were thus rendered secondary to those of the powers

thus conserved. He therefore found himself confronting those champions; and under the decree of the American form of government, he as a leader was nominated for and elected governor as a means of making the issues for which he and his co-workers stood effectual. The result thus far registered is seen in the legislation enacted last winter. These phases are but the reflex of conditions which in some degree have existed throughout the Nation; they are part and parcel of the latter-day experience of the American citizen.

It is believed that in what is here summarized as recent and current issues and Gov. Crawford's relation to them his real ambition as a representative of the people is truly revealed. In other words, that his deep conviction of the need of stemming the tide of encroachment by special interests upon the rights of the whole people and of stamping out the reign of misguided and pernicious political management which has grown up in defense of those encroachments and in perpetuation of its own power—has been and is the absorbing principle of his ambition. That he realizes that the complete success of the great national movement, of which that existing in this state is a characteristic phase, can not be achieved short of zealous co-operation between state and national governments, and that the problem he is assisting in working out brings him into essential relations with the federal side of our system of government.

These deductions as to Gov. Crawford's attitude and ambition as a public man are drawn from the salient facts above indicated. I can pretend to no other guide in the premises than such as results from contemplation of those facts.

My sole purpose in expressing what is herein stated is to endeavor if possible to add somewhat to the sum of general information concerning the man who is at once

chief executive of this State and the head of the political movement whose latest phases are so clearly set forth in his recent public announcement. It is no part of that purpose to seek to derogate in any degree from the high standing and the undoubted abilities of other personalities who may now or hereafter be involved in the vital contest now on in South Dakota.

I can not, in justice to myself as a citizen, to Gov. Crawford, and as I believe to the people of this state, refrain from declaring my firm conviction that, should he be nominated for and elected to the United States Senate, the same qualities of statesmanship as those standing to his present credit, expanded and strengthened by experience, will be realized to his constituency in the task of shaping federal legislation adequate to the times and due to all interests involved, and in discussing upon the broader theatre of the Congress the issues at stake; that his individuality, trend and great abilities will result in his becoming a factor in the Senate which will place him among its leaders in debate and in wholesome influence. That such is his destiny seems to accord with the fitness of things in contemplating what he has been and now is to the interests and welfare of the people of South Dakota.

LINCOLN—THE GETTYSBURG ADDRESS*

Abraham Lincoln embodied in his life-work and in his prophetic spirit the concept of freedom from all forms of bondage and oppression under government. This meant, in the large and when referred to the issues of the Civil War, that all men subject to government should have a voice in government.

When he declared on the field of Gettysburg for "a new birth of freedom", he was generally understood to refer to redemption from the wrong of slavery—the underlying issue of that great struggle. That wrong he had more than two years before theoretically stamped out by the Emancipation Proclamation, and the federal army was doing all in its power to make that proclamation effective.

But Lincoln looked into the future with a vision so far-seeing as to grasp the main outlines of evil which the new birth itself would probably engender. For no great radical reform ever came in the experience of a people or nation, with or without the shock of war, without bringing in its train new ambitions of selfish interests which developed into new forms of wrong. And Lincoln had already foreseen that the tremendous upheaval of civic and military strife between the North and the South, and the temptations to greed afforded by its circumstances were paving the way for the stalking figure of privilege in the dominance of capital over labor and over common right, and the consequent fusing together of wealth and political power.

*Address at the Lincoln Memorial Exercises, held under the joint auspices of the City of Pierre and the Legislature of South Dakota, at Pierre, Feb. 14, 1911.

What he foresaw in that perspective view was expressed or foreshadowed in his warnings against the corrupting influences of selfish greed which he predicted would, if not sturdily kept within bounds, present in the not distant future a greater menace to liberty than slavery itself. He saw in the coming struggle for mastery over the development of the country's material resources; in the power of nation-wide free labor; in the increase of population and of manufactures, and in the boundless riches which the great West under the impetus of the industrial forces engendered or accelerated by the war itself, would bring to the reunited nation—in these he saw something of the new oppressions which the new freedom would insidiously but surely create, and some of the latent issues which would require for their solution that eternal vigilance which alone is and ever has been the price of liberty.

The Gettysburg Address, thus interpreted, brings the great personality of Lincoln into the midst of the peaceful war of interests and the policies of government which mark the present generation in this country which he did so much to save. It applies to the activities of present-day lawmakers and to their constituencies his exhortation to his countrymen to highly resolve that government of the people, by the people, for the people shall not perish from the earth. The Great Emancipator declared in that immortal document, in effect, that all representative, all republican government, is perishable; that this government was and would continue to be perishable through errors of the people themselves as its keepers; that he understood that those errors might be of commission or omission, or a combination of both. He uttered these truths upon the scene of probably the most momentous and decisive battlefield of the war period; he referred immediately to the issues engendered by the

institution of slavery and to the awful and distracting conflict of arms which even as he spoke was all but tearing asunder the Federal Republic, and which was the outgrowth of those issues. His appeal was immediately to that devotion which should save the Union and make the defense against the Confederate arms successful. But the voice of authority in which he spoke, trumpeting the vaster and remoter issues which were involved in what he there expressed was meant, under God, to go forth to all men through all time to come. And Lincoln's stature looming higher and higher, and his benign and powerful personality shining forth clearer and clearer as generations come and go, shall yet become that luminary in the firmament of time which will mark him the seer and the liberator of ages, until it shall pale the far star of Moses.

This nation was founded upon the principles of representative government, the most ancient elements of which were born and practiced in Africa and Asia under the inspiration of Hebrew religion and statecraft, and whose more modern accessories sprang from the genius of Saxon and Norseman in Europe. When in the crucial years of the Rebellion which saw liberty in our country hanging in the balance over the fate of arms and he was the nation's head, the marvelous insight and oversight of Lincoln conceived the Gettysburg Address, he spoke as the oracle of the modern age to countless generations yet unborn, to whom his love of the common people, his patient common sense tempering a sagacity which coped with men and generals and crowned his genius as commander, his singular tenderness of heart which spurned tyranny, welcomed mercy and made him dearer to the veterans of war than their own commanders, his wisdom as administrator, his revelation as prophet, and his sad and saintly gloom which enabled him in solitude to face

in close communion his God—shall prove the richest heritage handed down to mankind since Hebrew forgetfulness of the principles of self-government made necessary the appearance of the Man of Nazareth to minister to the oppressions of Palestine, and to become the Redeemer of men in the all-pervading empire of sin.

Less than half a century has passed since Lee surrendered and the world was startled and saddened by Lincoln's martyrdom. The unparalleled progress of civilization since that time has advanced this nation, under the new and nobler reign of the stars and stripes, to the dominant place of the first world power. The ranks of the men who in that mighty grapple fought for human rights in unity throughout this land are fast thinning. The near future will witness the assembly of the last square of that old guard who wore the blue and whose memory is forever enshrined in the sacred precincts of the country's heart. Whether the veiled future has in store for our country as its most imminent menace a contest of arms with foreign nations, or a more momentous internal contest than now exists, in our peaceful development, only the God of Nations knows. But in coping with the issues of any stage of our future, let it be remembered that the most vital and portentous truth which can come home to thinking and responsible citizenship in any age under free government, is this: That the ability of the citizen-voter to judge quickly and well his line of duty in the emergencies of state is the only real safeguard of our liberties. And, finally, that whatever may be the vexed question or the peril of the hour, the manhood, the statesmanship, the humanity and the transcendent vision of Abraham Lincoln will prove an infallible guide to the citizen in the performance of his duty to himself and to his country.

FEDERAL SUPREME COURT GUARANTIES AND THE PEOPLE*

The purpose of this paper is to present some phases of the negative side of the question whether it would be wise or expedient to make the Justices of the federal Supreme Court elective by the people; whether the constitutional guaranties would not thereby be seriously impaired. That purpose was induced through consideration of an article published in this journal recently¹ in which the writer thereof contended that the constitutional mode of placing the federal judges in office, with certain other provisions governing the election of the President and Vice-President and members of the Senate constitute an "impediment" to government of, by and for the people. The danger from the federal judiciary, he declares, "does not arise from any known corruption but from the distrust of the people, the suspicion that the federal judges are biased in favor of corporate wealth and frequently permit the machinery of justice to be perverted and used as a protection and shield to rich criminals." Even this alleged suspicion, he admits, would not be "so serious a matter" were it not for "the continuous growth" of federal jurisdiction. As he instances but one decision—that of the federal supreme court in the Income Tax case holding unconstitutional the income

*Paper prepared by the author, and published June 18, 1909, in the Central Law Journal (St. Louis, Mo.), Vol. 68, pp. 464-471; reprinted by courtesy of the Central Law Journal Company.

(1) "Constitutional Impediments to Government of the People, by the People and for the People," 66 Cent. L. J. 293.

tax law of 1894,² as illustrative of his claim of usurpation of jurisdiction by that tribunal and of popular opposition in consequence, it is presumed that he found no other prominent recent decision of that court which he regards as having contributed in large measure to such suspicions. We shall refrain from discussing directly the question whether such distrust and suspicion exist in any such degree as is asserted by that writer, further than to state our belief that they do not actually exist, and to deny without reserve that there is any substantial ground for charging that the income tax decision furnishes a substantial basis for the assertions made on that head; and to add, regarding the alleged growth of federal jurisdiction, that while admittedly a matter for serious consideration, it may be less the fault of federal tribunals than chargeable to persistence on the part of interests both local and general, greatly diversified and country-wide, and not by any means confined to the unduly wealthy or to trusts and combinations, nor exempting so-called state-rights localities,—to burden Congress with legislation involving those interests and resulting in necessary adjudication of those laws by federal courts; all reinforced by the stress of executive action through the Presidential office. That what has the appearance of growth of federal jurisdiction may in the end prove to be a justifiable recognition of the constitutional right of those tribunals to adjudicate in premises now regarded by some as unwarranted, or, if there has been an unwarranted straining of effort in that direction, the scales may be balanced when the people under state laws participate more than they are now doing in the solution of many questions which lie so closely upon the border

(2) *Pollock v. Farmers Loan & Trust Co.*, 150 U.S. 713.

line of state and federal jurisdiction as to render it truly uncertain at present where the jurisdiction really rests. We shall also confine the discussion to the federal Supreme Court, as being the final resort as the constitutional guaranty of rights.

Reference will be made to the record of the Federal Constitutional Convention to show how the framers of the federal constitution reasoned in providing the source of appointment and fixing the tenure of office of the Justices of the federal Supreme Court. Randolph, who "opened the main business" in that convention, proposed certain resolutions, a portion of the 9th being: "Resolved, that a national judiciary be established; to consist of one or more supreme tribunals, and of inferior tribunals; to be chosen by the national legislature; to hold their offices during good behavior,"³ etc. Charles Pinckney prepared and laid before the convention a Plan of a Federal Constitution, part of Art. 9 of which proposed: "The judges of the courts shall hold their offices during good behavior; * * * One of these courts shall be termed the supreme court."⁴

No one at any time proposed in that convention to have the federal Supreme Court, or even the inferior federal judges, elected by the people. There were expressions of the proposition for selection of the federal judges by the national legislature, one of which is above referred to as coming from Randolph. But Judge Wilson, one of the ablest in general debate of members of that convention, strenuously opposed such mode of appointment, saying: "Experience showed the impropriety of such appointments by numerous bodies. Intrigue, partiality, and concealment, were the necessary consequences. A principal reason for unity in the executive

(3) E11. Debates (Lippincott, 1891), Vol 5 126-8.

(4) Id. 129-31.

was, that officers might be appointed by a single responsible person." Mr. Rutledge spoke against granting "so great a power to any single person," and opposed any federal court beyond "a single supreme one." Dr. Franklin "observed that two modes of choosing the judges had been mentioned—to-wit, by the legislature and by the executive. He wished such other modes to be suggested as might occur to other gentlemen; it being a point of great moment." Madison "disliked the election of the judges by the legislature, or any numerous body. Besides the danger of intrigue and partiality, many of the members were not judges of the requisite qualifications. The legislative talents, which were different from those of a judge, commonly recommended men to the favor of legislative assemblies." But he opposed appointment by the executive, and inclined to give it to the Senate, but "hinted this only," and moved to strike out the proposition to appoint by the legislature, which was done on Wilson's second and by a vote of 9 to 2. The provision for holding office "during good behavior" was then agreed to.⁵ Later on the Committee of the Whole reported a provision for "a national judiciary to be established, to consist of one supreme tribunal, the judges of which shall be appointed by the second branch of the national legislature, to hold their offices during good behavior," etc., which report was postponed. Patterson afterwards proposed a plan of government involving a federal judiciary "to consist of a supreme tribunal, the judges of which to be appointed by the executive, and to hold their offices during good behavior," etc.⁶

Thereafter various resolutions were referred to "the Committee of Detail," among which was one "That a national judiciary be established, to consist of one

(5) Id. 155-6 (6) Id. 190-192.

tribunal, the judges of which shall be appointed by the second branch of the national legislature; to hold their offices during good behavior," etc.⁷

The report of the Committee of Detail embodied the proposition for a federal judiciary "vested in one supreme court, and in such inferior courts as shall, when necessary, from time to time, be constituted by the legislature of the United States:" such judges to hold office "during good behavior."⁸ The form in which these provisions were finally set forth in the Federal Constitution left the Supreme Court alone resting upon the constitution, while Congress was given power to "constitute tribunals inferior to the supreme court."

The proposition to vest appointment of the federal judiciary in the executive, subject to approval or rejection by the senate, was brought forward by Alexander Hamilton as part of his "sketch of a plan" of government, such executive being denominated a "governor," who was to have "the sole appointment of the heads or chief officers of the departments of finance, war, and foreign affairs; to have the nomination of all other officers, (ambassadors to foreign nations included), subject to the approbation or rejection of the senate." In his introductory remarks in this connection he referred to the fluctuations of influence and of interest under some European systems of appointment of officials, and inferred therefrom "That we ought to go as far, in order to attain stability and permanency, as republican principles will admit." In concluding, he asked: "Might not such a mode of election be devised, among ourselves, as will defend the community against these effects in any dangerous degree?"⁹

Gorham, objecting to the eleventh resolution that

(7) Id. 376. (8) Id. 380. (9) Id. 205.

federal judges "be appointed by the second branch of the national legislature," expressed a preference for "an appointment by the second branch to an appointment by the whole legislature," but thought that branch too numerous "and too little personally responsible, to insure a good choice. He suggested that they be appointed by the executive, with the advice and consent of the second branch, in the mode prescribed by the constitution of Massachusetts. This mode had been long practiced in that country, and was found to answer perfectly well." To which suggestion Wilson replied by expressing preference for appointment by the executive, but as an alternative he preferred the mode suggested by Gorham. Both Martin and Sherman urged appointment by the "second branch," as being best informed and as probably resulting in judges "diffused" throughout the country. Gorham rejoined: "As the executive will be responsible, in point of character at least, for a judicious and faithful discharge of his trust, he will be careful to look through all the states for proper characters." Madison suggested "that the judges might be appointed by the executive, with the concurrence of one-third at least of the second branch." Sherman "was clearly for an election by the senate." It would have more wisdom than the executive and "a more diffusive knowledge of characters." Randolph would rather leave the appointment in the second branch than in the executive. Here the vote on referring the appointment of judges "to the executive, instead of the second branch" resulted two to six against the proposition. Then Gorham moved and Morris seconded appointment by the executive, with the advice and consent "of the second branch," which resulted in a tie vote. Madison then moved and Morris seconded nomination by the executive, to become effectual if not disagreed to

"by two-thirds of the second branch;" whereupon postponement was taken.¹⁰

Later on Brearley, "from the committee of eleven," reported provisions including one vesting in the President power to "nominate, and, by and with the advice and consent of the senate, shall appoint * * * judges of the Supreme Court," etc. And when this clause again came up for consideration it was agreed to without a single dissent.¹¹

Alexander Hamilton, in the "Federalist" (Lodge Ed., 483), speaking of the tenure of office of federal judges as being during good behavior, says: "The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws." And after observing that the executive holds the community's sword, the legislature its purse and that the judiciary has no influence over either, "but merely judgment," proving "incontestibly, that the judiciary is beyond comparison the weakest of the three departments of power" and cannot successfully attack either of the other two, and is "in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches," he adds, "that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in great

(10) Id. 328-330.

(11) Id. 507, 523-4.

measure, as the citadel of the public justice and the public security."

It is seen that the wisdom of the great statesmen who thus worked out to a conclusion which was itself ratified by the people the momentous question of the manner of selection and tenure of office of the federal Supreme Court Justices took the form of an appointment by the President as a responsible executive, but requiring the assent of and subject to rejection by the highest branch of the legislative—this after numerous motions to confer the appointing power upon the House of Representatives, or to make its assent or rejection necessary had been made; and that no one among that array of constructive minds, the greatest ever assembled to lay state foundations, proposed an election, or any form of nomination, ratification or rejection by the people, through either a general or a concurrent majority vote, or otherwise. That they unanimously concurred in making the tenure of office continuous during good behavior.

The most responsible guaranty of rights and the most essential provision in the constitution having such guaranty in view is that which confers a practically life-tenure upon the federal judiciary. And it is the most responsible and sacred because an official tenure based upon good behavior is necessary in order to preserve those judges in a station from which they can decide the momentous questions involving those guaranties without fear or favor resulting from popular clamor and prejudice on one hand, or the more sedulous and seductive approach of special interests strongly entrenched in power on the other. And the power of the federal Supreme Justice to perform that act as such free agent is necessary because that highest tribunal was framed as and necessarily destined to be the great resistant against which the waves of popular excitement and prej-

udice, of onslaught of entrenched and vast interests, and of ambition engrossing the spirit of strife for official power were to keep beating as the strain of self-government should from time to time tax this bulwark of destination in preservation of rights—rights which could not be *guaranteed* at all unless the structural integrity of that judiciary could itself be guaranteed while performing its functions. It is as an impregnable fortress against sea and land invasion on that part of the continental coastline where waves of last resort resulting from tempests of time on the ocean of national destiny, and wind-currents and cyclonic forces on land center to overrun and break down the barriers of national guaranty of individual rights. No other part of the federal structure is assailable as is this, because no other among all its reinforcements is or is regarded as the ultimate bulwark. Therefore it must be strong enough, defensively, to resist attack from any quarter, or from several other parts combined, else the structure will ultimately fall, in fact as well as theory. Its virtually life-tenure and the high regard and respect in which it, through the structural responsibilities entering into the make-up of its *personnel*, is and is entitled to be held render it that strong.

It is believed that the most common reason assigned by the critics who essay to point out the alleged bias, or to arraign the *personnel* of the federal supreme judiciary, under and as a resultant of the existing system, is that the Justices are too far removed from the currents of popular sentiment, judgment and insistence which from time to time arise upon issues bearing vitally upon individual rights concerning the determination of which that court must necessarily pass in the last resort, and that such supposed degree of aloofness would be remedied and their sense of responsibility quickened by selection of those justices by popular vote, and as a necessary inci-

dent to such change of system, by limiting the tenure to a fixed term of office.

The answer to such a contention is conceived to be two-fold, denying upon one hand the premise upon which the criticism is based, and upon the other, the conclusion sought to be drawn therefrom. In other words: The Justices of that court are regularly in the light of the political, industrial and moral life of the people; they are not merely *brought out into* that light occasionally, they take daily baths in it, so to speak, by virtue of the litigation constantly coming before them and which reflects, in the issues involved therein, the struggles, progress and aspirations of the public. What agency is better fitted to remind them of and to educate them concerning the state of the public mind and heart as related to intellectual, industrial and moral conditions and trend, than the issues constantly being fought out between litigants and applicants before that tribunal involving patent rights, copyrights, corporation law, the respective claims of labor and capital, habeas corpus, and the multiplicity of other rights constituting the body of adjudicated law and the manifold remedies, including injunctions, etc., which are being applied thereto? Nor is that court devoid of an incidental phase of action—short of a legal function—by way of inferential suggestion in connection with the making of new and progressive laws wherein, as is well known, its decisions nullifying state and federal laws as unconstitutional are followed by valid enactments reflecting the principles and spirit of those adjudications. This relation between the judicial and legislative departments of government is inevitable under the American system, while leaving both branches the complete master of their respective fields of jurisdiction and powerless to invade that of the other by encroachments inhibited by fundamental laws. Secondly: Is the argu-

ment that direct responsibility to the people in the sense of being elective officers will improve the case as it exists, a sound one? One of the chief grounds of arraignment of the power of wealth as a vested interest dominating over our laws is its pernicious influence upon legislation. This objection imputes to the elected legislator a proneness to yield to such temptation. Is it unfair to presume that the same principle applies to an elective judiciary? In other words, is there sound reason for accepting that theory as to the legislature and rejecting it when sought to be applied to the judiciary? If so, on what ground?

To the extent that the legislator may be susceptible to those influences, why is this? Cases of his venality are rare. The legislator who will yield in any degree to improper efforts to influence his vote does so, as an almost invariable rule, either because of his friendship for him who approaches, his own interest in the matter involved, or for fear of his political future if he refuses. The reason last given is believed to be the main one, in the long run and in the last analysis. If this deduction is sound, it would seem that a further one is reducible—that if his tenure of office were longer those influences would be weaker.

But are the people themselves such an unerring safety-valve as, applied directly through the elective franchise, will guarantee integrity, enlightenment and stability in the federal judiciary in such degree as will result in the steady and unswerving execution of the tremendous responsibilities which the Federal Supreme Court must continue to discharge if the constitution is to continue to be the individual refuge it has so far been? In answering this question that fountain-head of power—the people—must be dealt with in the sense in which the builders of that instrument felt compelled to do: it

must be admitted, as they did in the very genius which makes out in the vast yet delicate mechanism composing it, that that source of power must itself be curbed in its mode of expressing its will, else the plan itself would prove abortive and the hopes of civil liberty die the death. And that treatment was administered through that instrument in the light of the then past, which illumined the feeble vision of humanity in seeking a remedy against oppression under government by showing that democracy had been despotism on many theatres of action since civilized government was born, and that when despotic its wrongs could parallel all that made men tremble in thoughts of what tyrants, kings and emperors had done. So they let not democracy—even through the concurrent majority—elect the President or Vice-President; they refused its direct function in the election of the Senate; and they decreed that it should have a voice in filling the federal benches only through the indirect agency of the Executive advised and sanctioned by the Senate. And therein democracy was its own solemn curb. Shall it be said that it was not also thereby its self-chastener?

And has time shown the people to be now more capable of selecting the dernier tribunal whose decrees, from their very nature, will ever and anon disappoint and evoke opposition, than they were when the Constitution was adopted? It would seem from evidences at hand that the people have not a full comprehension of the essential functions of that body and of the necessity of safeguarding it against the excesses of democracy under the heat of current controversy over rights which must be adjudged in extreme deliberation and calmness if decided aright. Is the spectacle of the last generation, during which in the strifes of political and industrial controversy and activity that tribunal has been inveighed

against as perhaps never before save over the Dred Scott case, one which argues a change in the mode of selection of its members by electing them through direct vote of the people thus stirred, thus prejudiced? In answering this question we must face the fact that, whereas when the Constitution was adopted the foreign nations sending to our shores the raw material of future citizenship in considerable numbers were few, while during recent decades they are much more numerous, and that increase represents quarters nearer the tropics. Can it be said that the mixture resulting from this multiplicity of elements is more deliberate in exercise of the franchise, or safer in its judgment of what a judiciary of last national resort should be than were the men of our forefathers' day? Nay, is not the real menace of today found in the fear that its action savors too much of unsteadiness and a tendency to passionate action? Are the voters of today more respectful of law, or of that arm of government whose sworn duty is to interpret them, than their predecessors of a century ago? And the process itself would tend to bring that tribunal, in the public estimate, into confusion with the character of other elective officers at large. If subjected to the will of a majority of voters, no matter what might be said as to that court remaining the final resort it now is, its character in practice would not remain what it is and has been. The shifting changes of public sentiment and judgment would be reflected in their product, the new elected federal Justice who, known at all hands to be subject to the same temper of judgment and the same behest of prejudice in exercise of the franchise as are other candidates, will as certainly incline to be impressed by that temper and to bow before that behest as will other candidates. And it may seem that this would be as it should be. But when it is seen that such process necessarily brings the highest judicial

officer, whose function is an ultimate *guaranty* to the people themselves, upon a level with all other elected officers, it may become obvious that those functions, under circumstances of excitement and incitement of times and issues, will be permanently impaired in the sense in which their present possessor is poised to perform them and make them effectual as a national guaranty.

And the test whether the Federal Supreme Court would remain the constitutional safeguard it is, if its officers were made subject to popular vote, is not made by instancing an elected judiciary under state constitutions and laws. Those tribunals are not final in any such sense as is the Federal Supreme Court; they can not be put to the stress of resistance involved in a national constitutional guaranty, and therefore will never be inveighed against as it has been and will be again and again in future.

The burden of the criticisms of the author referred to at the beginning of this paper seems to be, that "hatred between the mass of the people and the few who possess great wealth" is promoted by decisions of the supreme court "which render abortive popular legislative measures, so long as the people have no speedy and effectual means of securing the desired legislation by removing the constitutional objection to it." It would seem that this complaint assumes in effect that because that court decided that "popular legislation" can not stand when contrary to the constitution, it is blameworthy for the status of that instrument in that respect, and for the alleged poverty of means of its amendment; that therefore the people, in view of decisions engendering that "hatred," should be given the power to elect the Justices of that court, through the amendatory process even though not "speedy and effectual;" and finally, that the people are

better judges of what the constitution means than is that tribunal, and that they are so asserting. If this view of those criticisms is admissible and the latter are sound, then indeed is the Supreme Court an unfortunate instrument in dealing with the fundamental national law; for it is thus made insipidly weak in repute and public respect; handicapped by a very burden of blameworthiness; inferior in its conception of our constitutional system; and all this notwithstanding it was destined by its fashioners to be the final expositor of that instrument in cases before it. Notwithstanding what we have attempted to present herein concerning the inadvisability of making those Justices elective, we seriously doubt whether the author of the objections alluded to would be willing to stand sponsor for the people in imputing to *them* such an arraignment of the standing and abilities and such enlargement of responsibilities of the Federal Supreme Court as he seems to have thus brought against and imputed to it.

The people are about to face new problems in government—in dealing with themselves as salvors of rights under the new conditions arising upon the national development. All the great issues so far solved grew out of conditions existing when the constitution was framed. Now that the ship of state is out of the harbor of clearance and is departing from its original moorings and its coastwise experience, the people are turning from scenes which remind of foreign tyranny and the demands and oppressions of those initial conditions, to address themselves to those of the present and now foreshadowed, which are incidental to free government. They are face to face with themselves as pilot of that vessel upon the open sea of destiny. If it be true that there exists such a tendency towards pure democracy under the federal system as is indicated by the somewhat fault-find-

ing criticisms dealt with herein, the prediction that the people must have a reckoning with themselves, either because of a future impending change in the nature of a revolution in that system, or in consequence of one accomplished, may not be too far-fetched. Whether by amendment of the constitution or through a constituent assembly resulting in a new one, the alleged tendency to bring all departments into subjection to the direct elective franchise shall be wrought out, the statesmen who will meet that crisis will still be confronted with the question: Where shall rest the final judge of fundamental rights in the federal system, and how shall the people be related to the sources of that deciding power? To what seems a moral certainty that repository must continue to be a judiciary. For if it were Congress, the principle of omnipotence of Parliament under the English system would be no solvent for Americans, since, whatever may be said of it as applied to our brethren across the sea, it would be no guaranty in the American constitutional sense, as every lawyer knows. And if a judiciary, there seems no escape from the conclusion that in order to render such tribunal able, as a safe-guard in all emergencies, against assaults directly or indirectly by the people, whose feelings will be wrought up and whose judgment will be insistent as to what the decision on their rights should be,—to decide through deliberate, calm consideration and in their own time, the Justices thereof must continue to be appointed by some representative of and not by the people. We have seen how the judgment of over a century ago rejected the legislature as such representative. Time has not brought serious criticism against that conclusion.

THE CIVIL WAR AND FEDERAL SOLDIERY.*

The bowed head of the nation's consecration is nearing our common mother Earth. The sacrifice of the federal soldiery in the Civil War becomes the diadem that crowns the tiara of the new national birth. As the rank and file of that soldiery nears the end of its earthly pilgrimage that jewel gives forth a light which is destined to be immortal.

It seems but as yesterday when the military caps and cloaks that had done service in the sixties were a common feature as holidays and fairs brought the people together in the northern and western States; only yesterday that here and there federal ex-soldiers, with maimed bodies, shorn of one or more limbs, were seen dressed in that same military garb of blue and appealing, sometimes to the accompaniment of hand-organ music, to the charity or the generosity of passers-by, and that the shrill notes of the fife and the soul-stirring rattle of the drum were heard as the multitude gazed in wonderment and reverence upon the squads of the war-worn veterans, met in local reunion, who thus revived memories of that gigantic struggle.

Yet two generations of men have been born to this nation since Fort Sumter was fired upon by the Confederates and the war for the Union was begun. Half a century of time has elapsed since that controversy which Seward called "the irrepressible conflict" took

*Address delivered at the Auditorium in Pierre, S. D. on Memorial Day, May 30, 1911, being the semi-centennial of the beginning of the Civil War.

on its final form of the appeal to arms. And this the thirtieth anniversary of our national Memorial Day is the semi-centennial of the beginning of the Civil War.

Coeval with the commencement of that war were other events indicating that Christendom was alive with the spirit of freedom and the laying of stronger foundations of representative government in the most modern states of Europe. Prussia and the German principalities now began to feel with increasing vigor the impulse which under the policy of Bismarck was soon to result in what has become the truly great German Empire. The national movement in Italy culminated in 1861 in the union of the Italian States under the kingship of Victor Emmanuel, whose name and that of Garibaldi as the leading war-spirits were connected with the genius in statesmanship of Cavour, the great inspirer of Italian unity. Hungary, fighting for the recovery of her constitutional rights as against Austria, was crowned with victory in that same year, through the restoration of her constitution, resulting in the dual Austro-Hungarian monarchy in 1867; with which struggles the name of Kossuth is forever enshrined in the cause of popular rights. France, cursed for years by the unnatural empire under the usurper Louis Napoleon, again saw the light of constitutional liberty in 1861 when the Legislative Body was allowed to criticize and reject proposals in the finances, until 1869 when that body could propose laws and a responsible ministry was established; followed by the Franco-German war and the Paris Commune, culminating in 1875 in the preliminaries of what soon became a third and permanent republic; Gambetta and Thiers being among the statesmen of those days. In 1868 the revolution in Spain resulted in a modern constitutional government and the end of ancient kingly privilege; Castelar being the eminent tribune who was

among the foremost in forcing the processes by which those reforms were effected.

In justification of the spirit and aims of those movements in the formation and reformation of states and governments, it may be noted that all of them have been permanent in their results in the general uplift of humanity and the guaranty of rights. Never in modern history was the genius of the people themselves for greater liberty so potent as during the crucial decade 1860 to 1870. And Abraham Lincoln as commander-in-chief of Union Army marched his soldiers up the heights of country encouraged by the remaining unredeemed promises of the Declaration of Independence, reinforced by the soul of John Brown and further inspired by the paens of praise and rejoicing and the prayers of assistance sent up to God from over the sea.

The ever-recurring strifes of trade and commerce have succeeded the war-period. Discussion and debate have rung the changes in party policy and national interest. The theatre of our nation's boundless aspirations has been attended, from remote galleries to parquet, by the devotees of courage, hope and endeavor, while the work of the critics has been varied by the extremes of pessimism and optimism. Some have ventured to despair of the republic, others have pictured forth the dream of the Western Utopia almost at hand. Out of these activities of the people since the din of arms was hushed at Appomattox our country has emerged, united as never before, upright and alert as a great world-power, and regarded by other nations as the most powerful if not the wisest leader and tutor in free government and Christian civilization. National achievement is accompanied by consciousness and pride of power. That consciousness should not forget responsibility. That pride will not forget its willing counterpart of humility.

National pride and humility are mingled in the auspices and the devotions of this Memorial Day. Our pride of country finds lodgement on the mountain peaks of exultation. We are humbled in the dust when we reflect at what awful sacrifice our re-united country was forged out in the crucible of civil war. The blood and treasure, the quaking fears and the heaven-born hopes that mark the pathway of that conflict which rebuked the perverted claim of state-rights and struck down human slavery, are represented on this occasion throughout this land by the fast thinning ranks of the survivors of those who wore the blue and by the myriad dead whose graves have become the sentinel of sacrifice for human rights. And when Columbia shall be found kneeling in the last ceremony in memory of those whose combined struggles on the field of battle will have made possible that love of common country which will be the real heritage of the Civil War, the Blue and the Gray will have mingled in a final rally of commemoration and fraternity which will signalize the most vital and immortal truth of all—that both parties to that contest were fighting for country and to uphold certain basic principles involved in federal government, not all of which were arrayed on the side of the Union arms.

And the way to that final conception of the real issue at stake in that war is being paved by the survivors of the actual combatants. I purpose not to attempt an analysis of those principles, but only to suggest the fact that time is revealing to the people that something larger and nobler than rebellion actuated the hearts and guided the heads of the Confederates, and that something more magnanimous than forgiveness and more just than admiration of the prowess of the adversary moved the hearts and exalted the minds of the surviving Federals.

The time is coming when the reconciliation of the

sections over the issues of the Civil War, already accomplished in substance, will be enriched by a new fraternity which will witness mutual forbearance and love where once were prejudice and hatred. In that process the factor of chief importance will be the hearty recognition by the veterans of both contending armies of two facts which stand as monuments of the military conflict—that country was the ideal for which both sides fought, and that when Grant at the end of the Wilderness campaign declined the sword of Lee and on honor paroled the men in gray, the war was over—whatever of rancor and injustice may have followed in the process of reconstruction.

Let us consider what is the source, the motive and the philosophy of civil war. History seems to teach that governmental wrong in fostering and protecting special interest is its usual source, its motive, to right the wrong by reducing or eradicating that interest. The evil which demands a remedy is itself internal, and is directly or indirectly upheld or excused by the government; and sooner or later two contending forces, one upholding, the other seeking to overthrow the wrong are found arrayed against each other. Statesmanship itself, in dealing with the questions and the policies involved in the growth of and the remedy for the wrong, is divided into contending sections whose opposing theories seek upon one hand to perpetuate that which is the subject of controversy on the ground that community interest demands its continuance and protection, and on the other to alter or to strike it down because its continuance in its present form, or its very existence is a menace to the common weal. And these theories or schools of statesmanship in the government are upheld, in greater or less degree, by two divergent or opposing bodies of citizenship among

the people, who in the very process of becoming divided believe in and advocate conflicting views concerning the interest at stake. Impression grows into conviction, conviction engenders prejudice which in turn becomes, under the white heat of passionate declamation and debate, the hatred which leads to the alternative of further toleration of the wrong or to its overthrow. The tremendous anxiety and mental strain of such an emergency of state brings on desperate resolve, which at last compels men's souls to cry out for that vengeance under God that means civil war! Government finds itself impotent to bridge the difficulty and prevent a breach. Then comes the overt act. And no matter what may be said about might determining right, there are always certain issues, in nature moral or political, or both, which affect the spirit of the contending armies and influence the public mind and heart in upholding or crying down the war itself.

And when civil war is on, two leading war issues are always at stake and are held in the balance of fate—one, what will become of government, will there be a revolution without dissolution, or will there result a divided country—two nations where there was but one; the other, what will be the fate of the wrong which occasioned the conflict. Involved in the first question is the destiny of the military forces arrayed against each other—will the dominant army become an instrument of tyranny in the course of the revolution involved in the conflict—for, call it what we may, the solution through civil war comes by virtue of a revolution.

The so-called "Men of God" who made up the army of Cromwell under the Commonwealth of England, and later under the Protectorate, although they did not in themselves intend or represent tyranny, were used by him to maintain his supremacy, and through the menace of

that army he repeatedly dissolved Parliament, or dispersed its membership, and created new and arbitrary rules for its formation, until the people of England began to protest against the Great Protector's encroachments upon their constitutional rights, even though done in the name of God and reform. The men of the Union Army in our Civil War were never utilized by Lincoln or by the constituted authorities as a force under whose menace to over-ride any co-ordinate department of government, or to enforce usurped power in any direction. And like the Ironsides of Cromwell, when war was ended, they added to the qualities of valor and patriotism that highest of all civic virtues which prompted them to forget the quest and the glory of arms and to willingly and gladly return to their homes to mingle again with the common citizenship in the peaceful pursuits of industry and the common weal.

In our Civil War the states upheld by the Confederate arms resolved to secede—to withdraw from the Union, because the institution of slavery was believed by the dominant southern leaders to be in jeopardy in view of the anti-slavery sentiment resulting in the election of Lincoln as President; the triumph of those arms would, it was generally believed, effectuate secession and result in two nations, the sovereignty of one of which would or might be modified by subjection to the other. The federal government existing when the war began stood for union and to prevent secession, and the volunteer Union army sprang to its support; and in that mighty life-struggle of the nation, slavery, the cause of it, was struck down by Lincoln's Emancipation Proclamation, not entirely *because* it was a wrong, nor because it was the bone of contention, but also as a war measure, taking effect wherever the Union army was dominant and in the belief that the freedmen would rise to arms and fight the com-

mon enemy—this, combined with the moral effect of the proclamation would, as Lincoln believed, help to bring final victory for union and incidentally shorten the war.

And there are those who, as lawyers and jurists, still contend that it was only by force of arms that slavery was ended—that the thirteenth amendment to the federal constitution prohibiting slavery, was not adopted by constitutional means, and that Lincoln's proclamation itself received its legal virtue solely from the force of arms upheld by the federal soldiers.

In solemn phrase that which has been regarded as wisdom—the result of calm reflection upon the facts as they appeared after the great contest was history and excitement had subsided into normal consideration—has repeatedly proclaimed that the Civil War might have been averted. No contest at arms, whether internal or international, ever occurred concerning which like judgment has not been passed by statesmen, historians and philosophers. The trouble with such easy solutions after the fact is, that the point of view is inadequate to the task of sound judgment. Here even vivid imagination coupled with mastery in analysis of the elements entering into the crisis under consideration fails to bring the investigator face to face with the real situation resulting in war. He forgets, among other elements, that his foreground of contemplation—the facts and circumstances of the war itself—were all unknown to the actors who precipitated the contest. Many reasons go to prove how impossible must be his quest of fair determination as to what might have been. But if by some marvelous process he could bring himself into the very environments preceding the war and forgot everything that followed, he would still misjudge as to whether war's disasters could have been averted. For his standard of judgment would be what he believes the participants *should* have

done. But who can know—nay, who can safely judge whether, after all, what *should* have been done *would* have occurred in any great emergency that can be imagined!

For the faiths of patriotism follow divergent paths. Country itself is seen in different lights in the vision of the local view. The appeal of man to man in every crisis of state brings imperfect judgment—itsself misjudged from the imperfect view-point—whence the final appeal to the God of nations and of battles—Himself more grievously misjudged by the too feeble concept of erring mortals. In the awful presence of the hour when dire responsibility and courage join hands and work out resolve, men, feeling themselves in the presence of and part of Deity, consider consequences to home, institutions and country, and in very transport they willingly dedicate their lives upon the altar of country—to purge it of the wrong that racks it! This is not mere reason, or the behest of judgment. It is that self-sacrifice which exalts the doer up to the throne of the Godhead. It is that which took the Christ, sorrowfully yet gladly, up to Calvary! Who in after years can *judge* of such resolution, such consecration! How measure what should have been the duty of such an hour? To attempt it is to call in question the decree of God Himself, Who has been in control and chief in generalship of both armies in every battle ever fought for country or for human rights. He leads them on—both blinded in some degree by prejudice and fanaticism and warped in judgment by interest—until the final surrender proves to mens' imperfect view one of two things—either that the subject of the issue of the war, the wrong involved, should be eradicated as the result of the conflict, or that it should still survive in some form for some period of time unknown. This is indeed the philosophy of history which deals with

civil war, and no man, no council of men can fathom its mystery which, though inscrutable, holds the fate of man under government in the hollow of its hand.

But if man, under the stress of country's wrongs, will go forth to do and die in the cause of country, and will continue to regard the public welfare as of greater value than his own life, is it to be expected that this disposition in mankind will be eradicated by the appeal to arbitration and kindred methods of avoiding military conflicts. Granted that the policy in question takes note of the fact that the people must be educated up to it by degrees, and through a process of self-discipline against the desire to fight. But after all has been done that wisdom can suggest towards substituting the rule of deliberative reason for that of the sword, in country's imminent peril, it will be found that human nature is yet possessed of a certain innate love of the combat of force when the sense of deep wrong under government appeals to the joint consciousness of heart and head. There will still come emergencies under which men will fight in battle array.

There are those who command respectful consideration who contend that this propensity in man must survive in order that civilization itself may not fail—some declare that without it the human species will in time succumb to the brute creation. The philosophy of that proposition seems to be, that human rights for all are superior to human life, to those who will to die for all.

It is not to belittle the commendable, the God-given desire of civilized man and government to do away with war's horrors, devastations and abasements, but to point out that too much in that direction should not be expected of the present generation, that I suggest this innate characteristic of man for the warlike quest. The foundations of the process looking to peaceable settlement of inter-

national differences are being laid deep and broad. Let the good work go on and let us all lend our aid as we find the duty laid at our door. But let it not be forgotten that the greatest peril to our country is likely to come from within, not from without; that the struggles of labor with capital, of the people against official corruption, of some forms of socialism with the foundations of the state, of the many for their rights as against the few, of the eternal warfare of souls whose aim is the human uplift against the tendencies to degradation of the masses in the great commercial centers, and perhaps other wrongs as yet unrevealed to the ken of man, will probably furnish the highest tests of the ability of the people to solve by peaceful means the menacing questions of state in the future. To meet these internal crises in the ultimate analysis without resort to arms may and probably will require some devices of government beyond the operation of the co-ordinate departments, and through which devices some representative body embracing departments of municipal, state and federal government, shall exercise extraordinary power to cope with any emergency that may arise, and to decide, either immediately or mediately upon the rights and wrongs involved.

In the last analysis the question whether civil war shall again occur vitally depends upon the ability of the people themselves to detect in advance that a public wrong is becoming deep-seated, and then to resolutely stamp it out as a disease in the physical body is dealt with to preserve life. And the test of the people's ability to do these things depends upon their two-fold insight—first into themselves to ascertain how far the wrong finds justification in their own hearts—and then upon that insight which detects and strikes down the public wrong, whether upheld by the open appeal of the demagogue, or

by that strategy which seeks its ends by working under cover and whose very danger is in its lurking, noiseless tread. The wrong of American slavery grew up insidiously for generations in the colonial period. It first found substantial footing in New England, was transplanted thence into the southern colonies, and was forced upon the Southern States by the fate of "big business" in the cotton trade. It was woven into the woof of the federal constitution, and it seems that nothing but war could eject it therefrom. In a large sense the whole people were responsible for its existence and growth. The process of righting that wrong through time and circumstance has not yet ended. Who knows but that the grateful negro, fast becoming a new power in industry which may solve the "race question", will in some future emergency of state which Providence shall bring about, be found leaping into the breach, gun in hand, to save the nation from some new and as yet unthought-of peril?

The Grand Army of the Republic, that noble order created in 1868 in honor and perpetuation of union patriotism and fraternity, and solicitude for those who and whose families were special sufferers from military service in the War for the Union, is represented on this occasion by the Sully Post—a name that has been woven into the warp and woof of local history and has become endeared to every citizen in central South Dakota. One hundred and fifty-five veterans have joined the order since its organization, of whom forty-two have been called to their last account, while a number have gone to reside elsewhere, leaving twenty-seven members as its present representation. The motto of the general organization, "Liberty, Equality, Justice", is recorded for all time in the annals of the nation as a landmark of the very ends for which the Union Army fought the good fight.

How can I summarize the result of that great struggle at arms after fifty years of national experience have passed since it began? In no better way than by declaring that whereas, when that career of campaigns from Bull Run to Appomattox Courthouse was initiated "state's rights" had run mad and was "head on" toward secession—national dissolution, to save slavery, now civil liberty, equality and justice reign in equal supremacy in the four quarters of the nation, with no race or territory exempt from their benign effect. That union and national integrity are upheld with equal zeal south and north, east and west. That "old glory" is everywhere hailed as the deep sentimental bond of national unity and that freedom which greets all the races of humanity at home and beckons them hence from every oppressed foreign land; and that her folds have been held aloft in a recent war for Cuban freedom by ex-Confederates and ex-Federals and their sons in an emulation proving how jealous is every citizen of our great republic, of her honor and of the principles of federal civil liberty for which she stands.

But cease, all thought of strife! Let the consecration of this day be the devotion of country to her saviours in the hour of her utmost need. Let the keys of the citadel of the nation's heart be proffered to the veterans with whitening locks, still with the living, who are halting on the skirmish line of eternity and who grow dearer to that heart as they linger, and through them to their once comrades in arms who in battle, hospital, prison, or in the course of crippled nature after the great contest was ended, laid down their lives on the most sacred of all altars—that of country. Let us as part of the American people prove our fidelity to the basic principles of liberty by forgetting all save that universal freedom, under a new reign of federal government, is enjoyed be-

cause men dared to hazard life and to die that it might be born to bear greater fruitage in the generations to come. And as death begets higher life, and the highest conception of life is that which springs from sacrifice in death, let us symbolize the white robe of righteousness in sacred remembrance, to the living and to the dead, by continuing the ceremony begun in the morning of this Memorial Day—that of strewing flowers upon the graves of those who symbolize that “last full measure of devotion” which the martyred Lincoln has immortalized in speech, as it is immortalized in heroic deeds.

PART III.

CONTRIBUTIONS, ADDRESSES, ETC.

UPON

COMMERCIAL SUBJECTS

RIVER NAVIGATION*

Before considering the means of realizing substantially deep water traffic on the Missouri, let us regard some phases of the benefits to Western producers and consumers to be derived from this project, and how helpless will be the Missouri Valley region until such traffic becomes possible in reaping the benefits of the Isthmian Canal—an enterprise which will affect the world's commerce so greatly as not to be measurable in present estimates, and whose benefits will affect the Northwest more vitally, perhaps, than any other part of the country.

A glance at Mercator's projection of the World's chart embracing Western Europe and Africa and the eastern coast of the Western Continent will show that, commercially, Liverpool and the western parts of France, Spain and Africa will be nearer the canal and, therefore, to a large portion of the western coasts of our continent and to the Orient, than will be the interior of the North American Continent represented by the central-northern areas of the Missouri and Mississippi Valleys *until the latter are made approachable by sea-going vessels* which can touch river ports and clear to the sea without breaking bulk.

EFFECT OF PANAMA CANAL.

And the vast benefits which the Isthmian Canal will bring to the West in short water transit between the Atlantic and Pacific Oceans and between countries sep-

*A study of the possibilities of the Missouri River. Paper prepared for and published in the "Modern Merchant" of Kansas City, Mo., March 28, 1908.

arated by the Atlantic and her tributary gulfs and seas will, among other things, inevitably build up on the coast of the Gulf of Mexico important seaboard market cities which will at once become, and then grow into more important competitors of eastern Atlantic seaboard towns—so that the Western producer of crops and live-stock may choose whether he will ship east or south in seeking the best obtainable price; and the Missouri River thus becomes a constantly increasing factor in keeping down transportation rates, and in increasing the total amount of freight which can be moved out of and into the West. The connection by deep water channel of the Lakes and the Mississippi and Missouri Rivers will accentuate these benefits by making it possible for the producer to consult all water transit east or south—and corresponding benefits will come to the merchant and the consumer in shipments inward.

And these processes will as certainly increase the commercial importance of the cities of the lower reaches of the Mississippi and the Missouri Rivers, and make them competitors, in turn, of both the Gulf town and Eastern seaboard and the Lake ports in a new sense—thus eventually bringing nearer the Western producers' and consumers' door competing markets reachable entirely by water and whose rivalry will become fierce as time goes on, and always increasing the advantages and reducing the disadvantages of production and consumption.

UNITED STATES MUST WAKE UP.

Are the people of the United States going to allow foreign countries to take the lion's share of the benefits of inter-oceanic and international commerce afforded by the Isthmian Canal? Are foreign bottoms going to monopolize that trade as affected by American production and consumption by touching at our eastern and south-

ern seaboard towns and there loading and carrying thence through that canal what our people produce and which will be consumed further west or south, and meanwhile carry on trade between Europe and Africa on one hand and the Orient on the other? But if this result is not to follow, we must open up the interior West by deep-water channels, for the two-fold purpose of availing ourselves of the Isthmian Canal as above indicated and of enabling American-owned water craft to develop and ply the waters thus involved.

THE WAY TO NAVIGATION IS TO NAVIGATE.

And how shall we prepare the way for such deep-water inland transportation?

By doing immediately what is practicable.

Navigate the Missouri wherever local demands exist or can be created, or improved. Navigate with such craft as exists or as can be fashioned to meet the demand for it. Whoever imagines that this great national waterway which has for three-quarters of a century responded to the summons of commerce and answered it with substantial faithfulness and effectiveness is not navigable from Ft. Benton to the Gulf, is a dullard who ought to be retired to the music of ridicule. If he could grasp history he would know that the killing effect of rebates and of temporary unhealthful underbidding in rates followed by monopoly under undue high rates, by land carriers, has had more to do with making Missouri River traffic a failure than all the sandbars and snags in her channel.

HOW MERCHANTS MAY HELP.

And how can this movement be reinforced by the merchants and the commercial clubs in a given city, or what is really essential to the end in view, by an association of cities?

Suppose the representative wholesalers in several cities—say, for instance, Kansas City, Omaha, St. Joseph and Sioux City—were to meet and discuss in detail the possibilities of co-operation with one or more river transportation companies, to encourage and build up trade along the river and for considerable distances above and below the group of cities thus co-operating; that serious consideration were given to the probability of carriage of commodities, the rate involved, the time required to lay down goods at destination, and the probable relative profits of such plan. That it was found expedient; that some definite propositions were arrived at which by mutual agreement would be announced to the public and submitted to the merchants and consumers in the various localities where trade is established with such wholesalers, etc.; that their traveling men were instructed to submit such propositions to the customers when soliciting orders, and the option were given to have certain of the goods to be ordered, delivered by river transportation. Is it other than probable that, were such a plan as this or some modification of it hit upon and seriously entered into with the resolve that Missouri River traffic must and shall be promoted as a means of promoting trade and commerce in the Missouri River Valley to the mutual profit of the towns so acting together, the boat companies and the merchant customers—it would be worked out successfully? To answer this question in the negative is to turn one's back upon the common experience of enterprise under difficulties, to fly in the face of the past, to doubt the common possession of shrewdness and expediency of the American tradesman and carrier, and to throw up the hands when contemplating the whole project of river traffic and river improvement.

For the considerations herein presented seem to lie at the threshold of the problem. They involve the

initiative. Will such men as met in the fateful convention in Sioux City last January* shrink from the actual trial of some matured plan as an expedient to the end? But of just such material are the men of the cities above mentioned, and of all the cities along the Missouri.

*The convention at which the Missouri River Navigation Congress was organized—embracing the seven Missouri Valley States, viz., Montana, North and South Dakota, Nebraska, Iowa, Kansas and Missouri. The Missouri River Improvement Association had been organized in Omaha many years earlier, and that and other local organizations were substantially merged in the Missouri River Navigation Congress.

THE MISSOURI RIVER IN THE AMERICAN INTERNAL WATERWAY SYSTEM

This photograph of a map prepared by the author and used by him in connection with his remarks upon the Missouri River at the Pierre Waterways Convention in March, 1910, is intended to illustrate the strategic position of the Missouri River as the great internal connective between the Canadian Provinces in the Winnipeg Basin and westward to the Mountains—and the Gulf of Mexico and the Panama Canal.

To illustrate how near to the Missouri River at its most northerly point (at the mouth of Milk River in eastern Montana), are the areas in Canada above indicated, lines have been drawn from two points on the Canadian Pacific Railway—Regina and Medicine Hat. As showing the relative distances from those points to Duluth and to St. Paul, respectively, as compared with the distances thence to the Missouri River, lines are drawn thence to Duluth and St. Paul. Note that the distances to the Missouri River are very much less than those to Duluth (at the west end of the Lakes System) and to St. Paul (the head of navigation on the Mississippi). Yet the Missouri is navigable 225 miles above the mouth of Milk River—or to Fort Benton. Observe also the line extending from the Missouri northward to what is the northern boundary line of British Athabaska—which shows that the vast area tributary to the Missouri River trade extends as far northward as is Kansas City, Mo., southward from that point on the Missouri.

This map is intended to indicate two leading facts of great commercial importance not only to the Northwest

at large and South Dakota as a beneficiary of the facts so indicated, but also to the whole country, namely: First, that the Missouri River is the great internal waterway of the North American Continent, and is that highway of commerce which will in time prove her primacy in this connection. Second, that as regards an immense amount of future traffic southward and northward, to and from the Gulf of Mexico and the Isthmian Canal, originating in or destined to the States near or bordering on the International Boundary line, and the Canadian Provinces above referred to, and as between shipments via Duluth and the Great Lakes (thence through the Deep Waterways Canal from Chicago to the Gulf) and via St. Paul and the Mississippi—the shipment via the Missouri River will be accomplished by a much shorter rail-haul than by either of the other routes, and by a more direct and much shorter through route than via the Lakes—as it is nearly 500 miles farther from Duluth to Chicago via Sault St. Marie than by the direct line. The further importance of the Missouri River as a distributing medium is seen again, when the immense trade between the Orient and the central-western portions of the continent is considered; in which process the Canadian roads will compete on superior lines of advantage with the American lines—the Missouri River being a beneficiary of that competition.

Incidentally, Pierre and Fort Pierre are seen to be substantially equi-distant from Duluth and the Twin Cities eastward, Kansas City to southward, Denver to westward, and that point on the Missouri above considered, to northward. And Pierre and Bismarck are seen to be but little more than half as far from Duluth as from Chicago. From both of the last-mentioned points the water-rate eastward is substantially the same.

UPPER MISSOURI RIVER NAVIGATION*.

The navigation of the upper Missouri river is essential to the success of the general scheme of improvements of that stream, including a deep-water channel on its lower reaches.

Unless the country at large is made to appreciate the tremendous length of the navigable part of the Missouri, over which since 1832 standard river craft have been able to ply for about 2,300 miles above its junction with the Mississippi, whenever and wherever commercial demands made it feasible; that in traversing that great distance the river is crossed or commercially affected by something like a score of practically trans-continental railroad lines, that at least a half dozen of those lines span the upper Missouri region embracing by far the larger portion of country which is tributary to the river, and that the actualities and the possibilities of that portion of the valley are such as to have already formed commercial ties which bid fair to dominate the continent and to place at a discount the great commercial centers in the lower portions of that valley—unless these startling factors are brought home to the public no adequate public sentiment at all commensurate with the good that may come from Missouri river improvement is likely to be aroused.

LONG DISTANCE NAVIGATION A VITAL ASSET.

And until actual long-distance navigation from large commercial centers on the lower river into the region

*Prepared for and published by the "Modern Merchant" of Kansas City, Mo., August 29, 1908.

of 1,500 miles of navigable waters above Sioux City is revived and set on a footing which bids fair to be permanent, the general public is likely to be slow in reaching the conclusion that this river as a whole should be exploited by the federal government for the purpose of its navigation.

We who live and have for many years lived upon the banks of this greatest of all water courses upon the American continent know perfectly well the evidences which prove that it is navigable from Fort Benton, Mont., downward. But the general public will not be awakened to that fact until the puff of the steamer and the power-generating explosions of the gasoline engine shall be heard to indicate that upon the breast of that waterway commerce between widely separated points is again teeming, and until that fact shall be heralded to the whole country through the press. We dwellers in the river cities know, too, that now and during all the years since railroads came upon the scene navigation is and has been going on to a greater or less degree between local points upon the upper Missouri, by ferry-boats and general river craft.

But the only tangible proof, to the people of this country at large, that there is a mighty waterway reaching from the Gulf of Mexico to the base of the Rocky Mountains almost on the International boundary line in the remote Northwest, every foot of which, measuring three thousand five hundred and sixty miles, is navigable, will be found in setting the boats afloat over those vast stretches. And in that process the most impressive object-lesson which can be taught, by which to loosen the purse-strings of the voters behind the appropriation committees, will be to exploit the upper Missouri.

THE VAST UPPER MISSOURI.

Where does the Upper Missouri begin? If we are

to be guided by what is probably the general tradition of the fur-trading period the mouth of the Platte would seem to be regarded as the dividing line between the lower and upper Missouri. On the other hand, the most potential fur trading company of that period, in the concern long known as the "U. M. O.," organized in 1827 in St. Louis as an organ of the American Fur company, was projected to operate upon what was recognized as the upper Missouri beginning at the mouth of the Big Sioux where Sioux City is located. The "Upper Missouri Outfit" thus marked what is now the southeastern corner of South Dakota as such dividing line, and that concern was in active existence until near the middle of the last century. Therefore, while Omaha would be on the upper Missouri if the division indicated by the Platte were regarded as controlling, yet we will here treat that city as being upon the lower Missouri, and will include Sioux City as the starting point and as embraced in the upper Missouri territory; and this we believe is in keeping with the demarkation acted upon by the Missouri River Commission in recent years. This distinction is not at all essential, as regards the two cities last mentioned, in connection with what follows in this paper, but is brought out simply to arrive at an understanding of the two sections of the river in a broader sense.

The Missouri river system of waters was the grand theater of the fur trade begun in 1807 immediately after the return of the Lewis & Clark expedition, expanded into its more permanent proportions in the twenties and ended in the sixties, and having its general headquarters and its business inspiration in that now great city whose foundations were laid in and whose commercial destiny was foreshadowed by that trade whose salient lines, extending up the valleys of the Mississippi and the Missouri and overland to Santa Fe, revealed its principal sus-

tenance in the great Missouri river region. St. Louis is irrevocably fixed in history as the head of that movement which meant so much not only for trade and commerce but for civilization in the western half of the continent, and to the Missouri river she owes the main credit for the possibilities which came from that movement as related to her growth and prestige. And it needs no further assembling of evidences than the pages of undisputed history to prove that it was the upper Missouri river territory which furnished by far the greater resources which entered into that trade from the Missouri Valley region at large.

UPPER MISSOURI COUNTRY A COMMERCIAL EMPIRE.

History will repeat itself: The upper Missouri river valley and its tributary resources will in future as in the past provide the camping ground for commercial campaigns out of which will come the lion's share of trade to all cities on and tributary to that stream above its junction with the Mississippi; and St. Louis herself may come within the principle of this proposition. Of that city says Major Chittenden in his "History of the American Fur Trade of the Far West:" "St. Louis was an offspring of the fur trade and her growth for three-fourths of a century depended almost entirely upon it." And, speaking of the upper Missouri region in this connection, he adds: "It was in these remote fields that the foundations of great fortunes were laid, and that the substantial business character of St. Louis began its development."

MISSOURI THE GREATEST WATERWAY.

We mean not to speak in disparagement of the great Mississippi—to do so would be an insult to fact and to history in the light of accomplished things. But we may indicate in some way her relations to the Missouri for

trade purposes when we suggest that the former has but 1,024 miles of navigable waters above their junction, while the latter has 2,285 miles; that the head of water trade on the Mississippi at St. Paul is too remote to be a controlling factor in the more northerly mountain region, while the vicinity of Fort Benton and the entire expanse of the Missouri valley to southward, in upper Missouri territory, is in practically absolute control of the mountain region to westward; that as between the two great valleys above their junction, the Missouri is mistress over more than three times the territory subject to the Mississippi, while at least two-thirds of the area thus credited to the Missouri is in the upper Missouri region; that as time goes on the Pacific, not the Atlantic will be the objective in the ocean trade which, in proportions so vast as to be beyond comprehension, will be developed over the expanse embraced in both valleys, in which the competition, involving rail as well as water carriage, will preponderate in favor of the river nearest the Orient; and that in the coming trade towards the Gulf and in connection with the Isthmian Canal, it is believed that the contributions from the two valleys above St. Louis will, as to raw materials, be such as to preponderate in favor of the Missouri, while as to finished products it will remain to be seen whether the deep-water canal from the Lakes to the Mississippi will result in securing to the Mississippi a permanent advantage as against the Missouri; for, with a deep-water channel up the Missouri to, say, Kansas City, the artificial connection between the Lakes and the Mississippi will thus be off-set by very material advantages to the credit of the Missouri valley. In this immediate connection we believe it fair to presume that but comparatively little of raw materials produced in the upper Mississippi valley will be shipped to the Lakes to be reshipped back to the

Mississippi through the canal, except in the form of manufactured products, while a considerable portion of the trade in those products is likely to be destined to distributing points on the lower Missouri. On the other hand, shipments eastward from the latter points and thence to the Lakes via that canal will certainly be such as to give Missouri river centers a large share of the benefits of that waterway.

THE MISSOURI THE MASTER KEY TO INLAND NAVIGATION.

But those cities on the lower Missouri must, in order to demonstrate to the country at large and to congressional committees through whom the appropriations for these waterway improvements must come that it is feasible to construct a deep-water channel up the Missouri to its present greatest emporium*, and that trade demands and will continue to demand it—they must be able to show that the trade resources behind those centers are such as to guarantee greatly enlarged commerce which will be developed in a material degree by such Missouri river improvements, and that those resources will expand so as to require the deep channel to be carried further up the stream. Where must those cities look for tributary territory which will in the discussion determine the government to act affirmatively? Not alone to the west and southwest. The field in those directions is large, but in a relative sense it is restricted, while it can be reached only by rail carriage.

CO-OPERATION AND CO-PARTICIPATION.

Merchants, commercial clubs, Navigation Congress—all must look for the sinews of war with which to reinforce the general array of elements into an invincible power to enforce conviction, upon this subject of river improvement, to the Upper Missouri Valley. And in or-

*Kansas City.

der to fix attention upon that special line of resources, these allied forces must bring about, in the sense of a revival upon aggressive lines, boating trade between the lower and the upper Missouri river.

Present conditions and the potential trade relations between the two grand divisions of the Missouri river valley warrant immediate revival of navigation on the lines above indicated. It is simply a question of descending to details in working out business propositions involved in such trade, and the assembling of capital in intelligent hands with which to finance the business. If the attempt is made, it is predicted that the problem will have much less real difficulty in it than is generally supposed, and that results will be not only satisfactory, but surprising, in growth of trade and in the moral effect which such operations will have upon the public in reassuring it of the practicability and the necessity of river improvement to insure and safeguard the enlarged commerce which must follow a successful initiative.

UPPER MISSOURI COUNTRY A TRADE PRODUCER.

Further: Let us look into some of the trade elements surrounding the upper Missouri region and which, in the absence of rivalry on the part of the lower Missouri towns for dominance of the up-river trade, will be exploited by railroads and commercial centers which have long been in the field reducing those elements to intelligent handling. In this problem traffic east and west of the upper Missouri valley is involved.

Speaking roundly, Bismarck, Pierre and Sioux City are not far from equi-distant from Lake Superior at Duluth, the distance being in the neighborhood of five hundred miles. The two last named towns are much nearer the Twin Cities. At Duluth a water rate to Buffalo can be had on the same basis, substantially, as from Chicago, while it is not much more than half as far from

Pierre to Duluth as it is to Chicago. The Twin Cities have for a long time had such hold upon the upper Missouri river trade as to have practically dominated it, except as to the southern portion of South Dakota east of the Missouri, and the Black Hills, in which districts Sioux City has probably had the larger portion of the trade, Omaha and Kansas City sharing it. The Red River towns and Duluth share with the Twin Cities in the remoter northern areas of the upper Missouri. Chicago has a large part of the trade over these general areas, but more in the southern than the more northerly localities. Shipments of raw materials from the upper Missouri are practically all eastward, to the Twin Cities, Duluth, Chicago and other Lake ports, and, from the southerly portion, to Sioux City, and, in lesser degree, to Omaha and Kansas City as to livestock. In a word, and speaking substantially: Except as to part of the livestock trade, shipments of raw materials from the upper Missouri are made to commercial centers on or east of the Mississippi, while the lower Missouri towns control practically none of it; and the shipments inward of what is consumed are, to nearly the same extent, from the cities to eastward above mentioned. And the entire shipping process both ways is by rail.

PRESENT UPPER RIVER NAVIGATION.

The west-bound trade from the upper Missouri is in its infancy, but the Orient is drawing an appreciable fraction in cereal and other products as incidental to like trade from the Twin Cities and other manufacturing points in the Northwest, while lumber products form the chief subject of inward shipment from the Pacific coast. The only substantially long-distance river traffic extant on the upper Missouri is that carried on north of Bismarck, and which is located principally over a stretch

of some 350 miles from Fort Benton to a railroad point or points eastward on the Great Northern road which there digresses northward from the Missouri.

But there are certain phases of commercial trend pertaining to the northern section of the upper Missouri which may and probably will tend strongly to dominate the territory in question, as auxiliary forces to those already referred to as in present control, and which are likely to still further divert traffic away from the lower Missouri towns and to permanently impair their abilities for grasping and holding such trade, if time is allowed to go on without an effort on their part to stem the tide against those influences. We refer to railroad connections most of which have long been in existence, and some of which are understood to be either in process of development or are inevitable.

PROBABLE FUTURE TRADE FACTORS.

Should a railroad be constructed from the mountains above the head of navigation and down the Missouri, having as its objectives the exploitation of trade, over existing lines, or over strictly water-level railroads to the Pacific seaboard and the Orient westward, and of trade southward and eastward to the Gulf of Mexico, such system being planned also in connection with the commerce of the Isthmian canal; and if such a project were operated in conjunction with existing and controlling railroad systems now connecting the Great Lakes and the Twin Cities with Seattle and the Pacific seaboard in that locality; is it improbable that those developments, in hands long made cunning by experience in railroad-ing with water carriage on a large scale as an adjunct, would seek to control Missouri river trade far to southward? And, in the absence of early and persistent effort by commercial centers down the Missouri to seize upon

and hold the trade in question, is it improbable that they would be worsted in the battle for its control to northward? And if, in the growth of the resources of the Winnipeg Basin, the not distant future shall witness rival carriers building lines to the Missouri in North Dakota and Montana to connect it with water points in that basin or with existing trans-continental lines in the Dominion which are in touch with both seaboard, is it too farfetched to surmise that such commercial connections would reinforce the tendency to control of upper Missouri trade to northward?

And in the final analysis of commercial conditions, present and future, in the northern section here under discussion, the great, seemingly overpowering considerations are two facts—the overland trade with the Orient, and the very significant point that the western end of the Great Lakes system is so far westward as to furnish a tremendous double advantage as a reinforcement to the entire trade movement over the greater portion of the North American continent, east and west. This great advantage is, in turn, likely to be accentuated through utilizing the Red River, Lake Winnipeg and Hudson Bay links of a future waterway and rail carriage system whose possibilities are but just beginning to dawn upon the public mind.

NATIONAL WATERWAY RELATIONSHIP OF UPPER MISSOURI.

We believe the upper Missouri region is peculiarly within the sphere of influence of the foregoing considerations pertaining to the Lakes system and the Orient. That the Gulf trade and its far-reaching incidents, to southward, and the Pacific and Oriental elements on one hand and those involved in the Lakes system on the other, to northward, will in the end be the grand forces

contending for supremacy throughout the upper Missouri territory.

The Missouri river, from the very head of navigation, carries substantially the same volume of water for thousands of miles, and is navigable for the same class of boats at Fort Benton as are usable at Sioux City. In other words, evaporation just about equals reinforcements from tributaries throughout the entire upper Missouri—and, for that matter, far below. Again quoting from Chittenden, who as head of the engineering department of the Missouri River Commission for many years has proven his mastery of the technical and commercial features involved in that waterway, we find him declaring, in his work above cited: "From this point" (head of navigation) "the river descends like an interminable winding staircase to the level of the sea, and with so gentle a slope that great boats can ascend it the entire distance." He ranks it "one of the most remarkable streams upon the globe. Its source is farther from the sea than that of any other." Again: "Of all the Western rivers the Missouri was by far the most important to the trade." And again: "The physical characteristics of the Missouri river over the navigable portion of its length *are the same as those of the lower Mississippi.*" The italics are our own.

A VAST TRADE TREASURY.

And what of the vast resources upon which trade may feed in the upper Missouri region?

One-fourth of the areas of Iowa and Minnesota, half of Nebraska, three-fourths of Wyoming, and considerable areas in Canada are within the limits of the upper Missouri river valley. Concerning the resources and products of the states just mentioned we will not descend to figures. But of the three great states in the very

heart of the region under discussion we will speak more definitely, since they are farther from the great commercial centers as a whole, and they offer in what they already show in products a most tempting attraction from the lower Missouri valley centers.

South Dakota's 75,000 square miles, producing in 1907, in millions of bushels, of wheat 45, of corn 100, of oats 60, of barley 30, and whose total products that year were worth \$160,000,000, whose gold output ranked third among the states, whose already developed natural gas belt in connection with artesian waters embraces 7,500 square miles and is the most extensive of any upon the continent; North Dakota of substantially equal area, the assessed valuation of whose taxable properties in that year was about \$215,000,000, whose wheat product lead the array of states with (in million bushels) 73; of oats 34, and whose grain, corn and potatoes output aggregated one hundred fifty million bushels, whose flax totaled one-third of the entire product of the Union, whose operated coal mines were fifty-nine in number and whose lignite coal deposits underlie 20,000 square miles of land; and Montana, whose lumber product that year was about three hundred and fifty million feet, whose assessed valuation was \$275,000,000, whose total output of the precious metals was \$115,000,000, whose citizens could boast of twenty-five splendid public libraries, whose coal and coke product was 115,000,000 tons—the coal costing less than two dollars per ton at the mine; whose lignite coal resources and potentialities in making steam fuel, light and gas are amazing, whose lignite areas are in extent second only to those of North Dakota and exceed those of all the other Rocky Mountain States, and whose mighty and multifarious waterfalls, in the various forms of power born of their harnessing, would truly dazzle the imagination if figures were descended to—these colossal

showerings forth of nature under man's professorship, crowned, throughout the whole territory here told of, by the most formidable array of livestock interests ever developed in the Western world at the same stage of growth, tell a tale of harvests yet to come in trade and commerce which cannot be discounted but which appeal with the force of conviction to every instinct of enterprise abroad in the merchants of America and the carriers who will do their bidding.

That the lower Missouri communities will find in the upper Missouri territory a field worth conquering in a sense in which they have not yet opened a campaign; that they will see in Missouri river improvements and navigation *throughout its upper stretches* as part of the comprehensive scheme of general navigation, a two-fold advantage in building up their own trade and in helping to bring about the necessary federal appropriations for the larger work in deepening the lower channel; and *that actual navigation from below into the upper Missouri region above Sioux City* will be decided and acted upon without delay by the great commercial centers on the lower Missouri for all the purposes legitimately involved—that reason along the general lines herein indicated will prevail, and that success will accompany the effort, we believe as firmly as we believe in the greatness of the resources involved in the entire process.

MISSOURI RIVER STRATEGY IN INTERNATIONAL COMMERCE*.

For peace or for war, our internal waterways are destined to be the commanders in strategy, in our international trade and political relations. And the Missouri River will be the general commanding.

Why are nearly half a dozen railroad systems in the United States and several in Canada being pushed with almost feverish energy over the mountains to the Pacific coast to join the procession of as many more already there? Why are the great transcontinental railroad systems undergoing modifications in combination, personnel of management and objectives in termini looking to southward?

Two words roundly answer these questions—the Orient and the Canal.

And as to water, all that is in touch with the Pacific Ocean and the Gulf of Mexico is primary in supremacy.

And when we reflect that the Gulf will be in immediate touch via the Panama Canal, with the Pacific and the Orient, and that it is part of the Atlantic, why will not the Gulf ports and great internal waterway centers in proximity to them constitute the doorway to the world's waterway trade from the standpoint of North America?

And as to the Orient, it is that domain and beyond that has started railroad and ocean carriage capital into renewed activity. The Pacific is to compete with the

*Prepared for and published by the "Modern Merchant" of Kansas City, Mo., July 3, 1909.

Atlantic in floating exports from America to Europe and in returning the cargoes which in the international trade settlement, will come back to the United States and Canada to meet their needs.

And embraced in this general problem of use of the Pacific, is the factor—daily becoming more evident and more potent—that her eastern border is destined to become the theater of a trade, partly coastwise but in far greater part international, with Europe via the Panama Canal and with both coasts of South America; while, to a considerable extent, trade between the Pacific and the Atlantic coasts by water will go on.

In a very large part of which international trade the Gulf has the advantage over the Pacific. Let us consider this latter phase—for it is the keynote to the international trade of North America. In another way, and as between the interior of the continent and the Atlantic seaboard, the Gulf is the key to the Atlantic. Very recent traffic history proves this last assertion, as Kansas City in her rate fight with the "Katy" road can attest, even though the water stretch between New York and Galveston is nearly twice the distance involved in the rail carriage from New York to Oklahoma.

Now, as to the land haul of commodities, raw and manufactured, from the interior of this continent westward to the Pacific, the bulk of commerce will go on lines directed north of due westerly and terminating at the mouth of the Columbia and northward to Southern Alaska. And the great reservoir of resources from which will proceed those exports and to which will be returned, directly or indirectly, the resultant importations, will lie between the Mississippi River and Hudson's Bay on the east, and the Pacific coast.

Two principal causes mainly account for the fact that those termini are so far northward—that the Orient

is from five hundred to one thousand miles nearer those points on the coast than are California ports; and the Alaskan interests; and those causes are greatly reinforced by the fact that the New Northwest, embracing in its greater part the younger Canadian provinces, is expanding in resources from year to year with strides so mighty as to stagger belief. And this fact of lesser distances east and west as we go northward gives Canadian carriers for all time the advantage over the United States in Oriental trade; and also as to eastbound traffic to Northern Europe.

And in this process of emptying our interior granaries by rail carriers for export trade westward, the problem is one of a land haul of, say, two-thirds of the total products, shipped from east of the Mountains, an average distance of fifteen to eighteen hundred miles to reach the coast. Then it is a question of water carriage thence to the Orient, Oceanica, etc., to Europe via the Suez, or via the Panama, and to South America. And when it is considered that the most northerly Canadian trans-continental road now projected—the Grand Trunk Pacific—will terminate just below our Alaskan possessions at Prince Rupert, and that not only the Orient and beyond but also the American Continental coast trade, and even trade with Europe, are understood to be contemplated by its management, the importance of rapid railroad building above mentioned may become clearer.

EFFECTIVE WATERWAY COMPETITION.

It seems clear that nearly all of the foregoing trade from east of the mountains, involving water carriage on the Pacific and destined to South America or Europe via the Isthmian Canal should, on principles of economy in transportation, and will when the facilities hereinafter mentioned are provided, go out through the Missouri and

Mississippi valleys and via the Gulf of Mexico. Even if the carriage to the Gulf were all-rail it is easy to see that probably two-thirds of the products in question could, when the difficulties of tra-mountain hauling are considered, be shipped to the Gulf at less expense than to the Pacific coast. While if the Missouri and Mississippi rivers were used, the cost of carriage to river points and of floating cargoes thence to the Gulf would certainly be greatly reduced. And if the heads of navigation of those rivers were the destination of rail carriage from even the Canadian territory adjacent to the Saskatchewan the total cost of shipment from point of origin to the Gulf should not exceed that of shipment to the Pacific.

And if the Missouri and Mississippi rivers were improved to northward so as to render boat service not only entirely safe for craft of large capacity to ply upon them at all points, but also to effectuate substantially regular trips, it seems certain that at least three-fourths of all shipments of productions of the great areas herein referred to east of the mountains will inevitably go down these valleys to the Gulf, when destined to foreign ports referred to in the last paragraph. And the same remark would apply to the country drained by the Ohio when that stream is improved as contemplated by Congress; thus making the area which is within our general proposition substantially the whole interior between the Alleghenies and the Rockies.

FUTURE EXPORT SHIPPING TREND IS SOUTH.

But what will be true of shipments which we have supposed would, *prima facie*, go to the Pacific for transshipment to Europe, South America, or the Atlantic seaboard, and which we have sought to show should and will eventually go southward to the Gulf—will be true, though perhaps in lesser degree, of all shipments from that in-

terior to the Pacific coast destined for trans-shipment across the Pacific to points south of and beyond the Orient—such as Australia, Africa, etc. In other words, when the Canal is completed and these great rivers used as they should be, the Gulf ports can and will compete successfully for freight from the great interior under consideration and into the midst of Canadian provinces, with Pacific ports from San Francisco northward, when the destination is those tra-Oriental points. That is to say, that such freight laid down at Gulf ports will be commercially and geographically almost as near New Zealand (by or near which island all such carriage beyond the Orient would proceed) as it would be in the harbors of British North America and Seattle. It would doubtless require a little more time on the voyage in order to clear the Canal into the Pacific, from the Gulf. But with these rivers improved into deeper channels well up-stream and equipped with proper boating facilities to the heads of navigation, the relatively low cost of shipment outward to the Gulf, as compared with all rail and over-mountain shipment to the coast, would place Gulf ports substantially on a par with those on the Pacific, in this particular situation.

IMMENSE VALUE OF SEA GOING DRAUGHT.

And if the Mississippi no farther up than St. Louis and the Missouri only up to Kansas City, were deepened so as to float ocean-going vessels, the distances from original shipping points in the far interior to practically ocean ports thus created would be so far cut down as that those cities could, beyond all question, fight the battle of competition with Seattle and Vancouver for tra-Oriental trade.

If such prestige in international trade as is above deduced is within the reasonable ambitions of our great in-

terior waterways, on outbound freights, the converse would seem to be true. That is, the Gulf ports as ports of entry (and those cities up the Mississippi and Missouri which may be transformed into such ports) should be able to provide such means of carriage into the interior, through return voyage expeditions and otherwise, as to successfully compete with the Pacific ports and their rail connections inland. And if imported goods can be brought via the Gulf into the great cities on the lower Missouri and Mississippi, and sold to wholesalers and distributed into the farther interior, what is there in both foreign and domestic commerce that will not become the heritage of the cities on those great waterways?

MISSOURI RIVER AMERICA'S DOMINANT FACTOR.

This brings us to the final deduction in this wide problem of commerce, viz., that the Missouri river is in the dead center of the whole process. We believe we clearly pointed out in a previous study of the relative values of the Mississippi and Missouri rivers as transportation media, that the Upper Missouri outranks the Upper Mississippi, chiefly because of the far larger territory tributary to the Missouri, her navigability so much farther into the Northwest and into much closer proximity to the Canadian provinces, and because she is nearer the activities having the Orient in objective. (See "Upper Missouri River Navigation" in the *Modern Merchant* of August 29, 1908.) That the Missouri is the main stream, and that from the mountains to the Gulf she dominates in commercial destiny cannot, we believe, be successfully denied. Here let us again remind of the Canadian element and that it is forever linked to the Upper Missouri in a sense which stamps the "Big Mud-dy" with the insignia of royalty, and renders her equally accessible from the north and the south in the entire bigness of this great trade problem.

A NEW AND WONDROUS POSSIBILITY.

For, if we have shown that through her lower stretches outbound and return voyages can be successfully made against competition with Pacific Coast ports, what, indeed, would be her potentiality if the cities on her banks were to join hands with those Canadian connections which we have shown must forever have the advantage in the North Pacific Oriental trade? In other words, suppose rail connection were made between the Winnipeg Basin and the Missouri River, in Montana or North Dakota, and the question of exportation from the Upper Missouri to Japan and China and of importations thence via Canada, into the Missouri Valley were considered. This would be very easy of accomplishment as to physical conditions, and it would simply revivify the ancient fur and Indian trading trails between the Saskatchewan and the Missouri, but on vastly larger lines. And if it were done, no locality on the American Continent could vie with the Missouri River, thus equipped with invincibly powerful handmaids north and south, whose functions would extend to the extremities of the Globe.

THE GREAT WATERWAY TRIUMVIRATE.

In another sense related to the international as well as domestic commerce, the Mississippi, the Missouri and the Ohio will form a cordon of water connections which will bring Pittsburg and (through the lake canals) Chicago, eastward, into close relations with St. Louis, Kansas City and other centers, westward. And when the waterways are improved as contemplated by unmistakable public sentiment, and as already foreshadowed by Congress, the swing by water from Pittsburg to Sioux City and above or from Chicago to Omaha, for example, will be feasible and inevitable. Thus the Missouri and

Mississippi rivers will be within water touch with accessories to the eastern seaboard and Europe by other and independent routes.

WAR PRESTIGE OF IMPROVED WATERWAYS.

The same considerations which foreordain this dominion of the internal waterways between the two great mountain ranges of the continent, speak of similar prestige for our national defense in time of war. Upon this head but a hint will be here dropped, by way of suggestion: The deep water channels up the Missouri and Mississippi Rivers will, when constructed, afford facilities for repairing and even for building large ocean going vessels, whether for the merchant marine or for military operations; especially when spoliation of some of our exterior coast works by our enemies may bring on an emergency requiring superlative efforts at our ports so far inland as to constitute retreats immune from attack, in recuperation of our floating weapons of defense.

Let none imagine that the colossal developments in world commerce and in peaceful contacts of strange peoples, resulting from the events of the last generation, are likely to continue indefinitely without the visitation of another war to which our nation will be a party. And we shall never know our fate in such a conflict until repeated disaster and incidental defeats develop our real weaknesses as well as our salient elements of strength, in conflicts of hitherto unknown combinations and character, extending from Europe to Asia and involving our island possessions as well as our immense stretches of coastline—not until the nation's boast of ability in self-defense shall have been turned to the deep concern of distress, with our railroads and waterways desperately united in the national cause, shall we know how much in national defense as well as in commerce, are these great interior waterways worth to our people.

LAKES-TO-THE-GULF DEEP WATERWAYS

Governor R. S. Vessey of South Dakota, asked for an interview on the Lakes-to-the-Gulf deep waterway project, referred the matter to C. E. DeLand of Pierre, S. D., who said:

"The building of the Lakes-to-the-Gulf deep waterway will, in my belief, confer upon the North American continent commercial benefits only second in importance to the Isthmian Canal. It will form at once a commercial sequence to the necessities created by the use of that interoceanic channel, and such a reinforcement of the latter as cannot but add greatly to its prestige as an international highway. In other words, the connecting of our Lakes System with the Gulf of Mexico by a deep-water channel will give character to the Isthmian Canal to an extent scarcely comprehensible at present.

"The conclusion that the importance above indicated will attach to this great deep-water enterprise seems justified, because, among other things, its completion and use will assist so materially in opening out our interior West to the ocean by all-water connections southward—a direction which fate seems to have irrevocably fixed upon when the Western Continent shall have been severed by so cutting the Isthmus.

"It will make New Orleans the greater tide-water emporium at the mouth of the Father of Waters, to

*From the "Times-Democrat", New Orleans, La., of October 30, 1909; published on the opening day of the annual convention of the Lakes-to-the-Gulf Deep Waterways Association.

whom other commercial centers from the Atlantic to the Pacific will delight to render the homage of trade and praise.

"Its use will cause every city between the Alleghenies and the Rockies, from the Canadian border to the Gulf, to expand with the vigor of reinforcement which can come only from development of our internal waterways at large. For with the building of the deep water canal will go improvement of every other navigable or semi-navigable stream comprised within that area.

"It will increase immensely the trade and civic glory of Chicago, New Orleans and St. Louis; but not at the expense of other towns between the two mountain ranges, since the general movement here indicated will touch and quicken enterprise and consequent growth in every city and hamlet in the land.

"But beyond all else, it will be the means of vastly accelerating the development of our natural resources, enhancing their value as commercial and political assets, and in bringing the United States of America into line with long standing and approved old-world methods of economic transportation. It will operate in a peculiar way towards revival of the all but lost art of competitive navigation in world commerce, once possessed by the nation, but whose ancient decline has become a tradition of and a reproach to our country.

"The proposition for such deep waterway is plain. The people see its meaning already, though but faintly. They are apparently willing to contribute, nationally and locally, to the cost of a waterway between the points in question, through which vast commerce, possessed of internal, coastwise and foreign aspects will be carried on in sea-going vessels carrying, in greater part southward, immense quantities of raw and manufactured products, and returning with imports from all parts of the world.

"But the strictly internal commerce which will thus be awakened or accelerated will, it is believed, far outrun current belief. And that commerce will not, it is predicted, be overwhelmingly southward. It will be certain to take on large proportions as between the localities of the Great Lakes and the West, and this latter phase will be an exchange which will be greatly to the credit of Western communities whose products will in a material degree find an outlet via this canal eastward, or partly thence and partly via the Ohio. In this internal exchange between the East and the West there is likely to result a growth which will compare favorably with the main stream of commerce south and north.

"One reason towering above all others seems to exist why this great project should be speedily promoted to completion, and has already been hinted upon. It is: Our interior West must be brought into deep water communication with the Southern seaboard in order to secure to the United States at large the legitimate benefits of the use of the Isthmian Canal in coastwise and foreign commerce to which the building and operating of that waterway justly entitle her. In a word, the twofold end of world commerce carried on in American-built and American-owned ships should result. Nothing can so quickly and inevitably conduce to the building up of a merchant marine by our people as the creation, on large lines, of artificial deep-water highways in the interior, with seaboard connections, and the improvement into deep water channels of our natural water courses.

SOUTH DAKOTA BENEFITS.

"I believe that all that has been said above concerning the importance of that enterprise to the Interior West at large, applies with full force to my State. In my judgment the fact that South Dakota is in the Missouri and

not in the Mississippi Valley not only does not detract from the force of this view, but rather adds to it.

"It is a belief, shared I think by many people in the Upper Missouri Valley as well as below, that the Missouri river region at large will be one of the chief if not the leading beneficiary of the canal from Chicago to the Gulf. The certainty of a deep water outlet to the Gulf via the deepened Lower Mississippi is matter of vital interest to peoples whose homes extend from the Canadian border to St. Louis and comprising the whole area between the eastern watershed of the Rocky Mountains eastward to that which divides the Missouri from the Mississippi Valley. The territory thus indicated is about four times as large as that drained by the Upper Mississippi. True, much of the expanse on the slope of the Mountains is yet to be reclaimed, or improved, but those processes are well advanced, or initiated, and the results thereof upon lands west of the prairie regions will be amazing in the productiveness which will succeed what we all once believed would be but barrenness.

"The amount of farm, live stock, lumber, mineral and other products of this extensive region which can be enticed by the beckoning hand of approved transportation down the Missouri and into the Deep Waterway and destined either for Gulf ports and beyond or for Lake and other Eastern points, and the reverse processes to meet the demands of consumption, is so large as to stagger the imagination. With great respect for the important tribute which the Upper Mississippi region will furnish, it is my belief that the tonnage which will ultimately traverse the water highways as indicated and originating in the Missouri Valley will be so great as to form the largest single factor as a feeder to the Lakes-to-the-Gulf Deep Waterway. No part of the national domain is

developing more rapidly than is that of which South Dakota is the substantial center.

"About 1500 miles of navigable water stretches from Sioux City—the substantial dividing line between the lower and the upper Missouri—northwesterly to Fort Benton, almost touching the international boundary line, and actually and impressively touching the current of commerce in the New Northwest, which latter in part embraces the Canadian provinces eastward from the mountains. This immense stretch of Missouri river waterways in connection with the portion below Sioux City seems destined to prove to be the great natural internal channel of commerce of the American continent. Its actuality cannot be truly or comprehensively stated without recurring to the original idea of explorers and geographers—that the stream from St. Louis to the Gulf is the veritable Missouri.

TO AID LOWER MISSOURI.

"And all that makes for deep water traffic on the lower Mississippi and between that stream and the Great Lakes will encourage and render more feasible the deepening of the lower Missouri; a process which, by the way, and for the reasons indicated, should be fostered and promoted by Congress and the people for the joint benefit of its effect upon the commerce of the deep waterway now under consideration and upon Missouri river trade and all that the latter implies.

"Deepening the channels of both streams toward the Gulf means practically tide-water ports that much further inland, and that means bringing the interior producer and consumer closer and better markets.

"The lowering and steadying of transportation rates, which must follow the building of such a deep waterway and its commercial accessories, does not mean hostility

to railroad interests properly considered. The positive demand of the times is for water transportation to reinforce rail carriage—the latter having signally failed to meet the calls of commerce for years past. Everybody now understands that the railroads, unaided by natural and artificial waterways, are unable to come near the mark of prompt transportation—in which verdict some of our ablest railroad managers join.

“The benefits sure to follow construction of the Lakes-to-the-Gulf Deep Waterway are so many and so obvious, and affect interests so vast and widespread, that the case seems to become one of strong conviction upon even an immature consideration of the subject.”

SISTERHOOD OF CITIES IN WATERWAYS MOVEMENT.*

In the improvement and navigation of the Missouri River, anywhere and everywhere, there is a community of interest, and therefore should be a sisterhood of spirit among the cities of the Missouri Valley, both river and inland.

The cities on the river are not alone the beneficiaries of this great commercial movement. The inland cities are as certainly interested, because as certainly benefited, as are those on the big waterway itself.

But the vital point in this particular discussion is, all cities, everywhere, should manifest the spirit of sisterhood towards and among each other, because each and all are, on a broad scale, interested in any improvement of the river, no matter how remote in locality, and in navigation of her waters at any point in her long career of flowage, no matter how far removed from the wharfage of any river town, or from the locality of any inland center.

BENEFITS NOT LOCAL IN AREA.

And this means that selfishness and local jealousies should and must give place to a broad feeling of goodwill and of co-operation, by all cities, in promoting specific measures of river improvement, and specific enterprises in navigation, no matter if—as is natural and inevitable—some particular locality may receive from the

*Prepared for and published in the "Modern Merchant" of Kansas City, Mo., December 11, 1909.

improvement greater direct, or temporary benefits, or from the particular boating enterprise greater profit, than do the sister communities farther away. They will all in the end profit by the improvement and by the traffic in degrees which will prove that they are beneficiaries.

CO-OPERATION AMONG THE CITIES.

When river improvement goes on under the comprehensive plans which the federal government will no doubt put in force, no matter where they begin, whether on the lower or upper river, there should be exhibited by all the cities in the cordon of states involved a hearty spirit of congratulation and of encouragement of navigation so as to make the most of such improvements and protection of the channel. And any boating enterprise, whether headquartered in this city or that, should receive similar encouragement from all quarters.

Such a spirit of encouragement should be exhibited because any improvement of the navigability of the river, wherever effected, improves the whole stream from the head of navigation down, and vice versa. Fort Benton, Bismarck, Pierre, Chamberlain and Yankton are interested in improvement of the channel from St. Louis towards Kansas City because this means increased traffic and improved boats and boating facilities further up stream; and it means practically ocean ports that much nearer headwaters. Kansas City, St. Joe, Omaha and Sioux City are interested in every mile of river on the Upper Missouri which is improved, because that means increased facilities for up-river traffic from below, for bringing raw materials to the lower river and for general interchange of commodities between the two opposite sections of the stream.

CHEAPER TRANSPORTATION FOR INLAND CITIES.

And every inland city is interested in river improvements and navigation at all points because this means lower and competitive rates by water, and that such rates can be more certainly maintained when these betterments of the river are actually made; and such rates will make it possible for the inland towns to ship in for the consumer and out for the producer, commodities whose handling will insure greater profits while bringing these towns into closer competition with their rivals; while the lower rates will tend to raise prices to producer and to lower them to consumer, through the cheapened transportation. Generally these advantages will result to the inland town through part rail and part water shipments; but it will be found in practice that frequently river competition will lower the all-rail rate between the inland town and her remote trading metropolis wherever there is all-rail connection between them. For competition by water will force this lower railroad rate.

RIVER IMPROVEMENT TO DISTRIBUTE ADVANTAGES.

Inevitably, in the process of making the river more usable and in using it more, there will arise circumstances which will work to the temporary advantage of nearby cities. But any city whose business men and patrons can not face such a condition of things without whimpering or cavil at the town which happens to benefit more largely from the state of things will not be likely to permanently hold its own in the general growth of trade and commerce. In this connection it should not be forgotten that local improvements remedy local defects in the river, as a rule, which defects are a local misfortune to the nearest cities.

Is there any city on the Missouri big enough to be

able to overlook the amenities of sisterhood foreshadowed in the foregoing?

Not one.

Is there any city on her banks, or inland, so small in spirit and comprehension as to fail to measure up to the bigness of the community interests involved in improvement of the river anywhere, or her navigation anywhere?

We believe there is not a solitary one.

NAVIGATION AND INLAND MERCHANTS.*

Is the inland merchant interested in promoting navigation of the Missouri river?

He certainly is if its improvement in that direction will benefit his business.

We take the broad ground that he will be benefited by revival of and increase in navigation of the great Northwestern waterway as much, on the whole, as will be the merchant in the Missouri river town.

He will be benefited directly and indirectly, and far beyond what he might at first suppose.

In the first place, the initial effects of the building up of river navigation will be seen and felt in the increase of population and trade in the river cities, but this will be because of actual and anticipated increase of inland trade. The agitation of this great project began in those cities; and this was because of the actual present *need of increased facilities of transportation*, as well as of cheaper transportation. The railroads are absolutely incapable of meeting current demands in making prompt shipment of goods. The disastrous loss of time between placing orders and receipt of the goods is so great as to materially disarrange the calculations of the merchant—in many instances to make the difference between profit and loss in a given transaction or in handling certain lines of goods. And this is just as true of the consumer who must rely for protection of his own interests upon prompt receipt of materials used or consumed by him.

*Prepared for and published in the "Modern Merchant" of Kansas City, Mo., June 20, 1908.

And this state of things has existed for years and is a growing commercial evil in this the greatest trade country in the world. The railroad managers have already confessed that their facilities as freight carriers cannot adequately respond to the enormous demands for carriage of commodities.

And what will be the further effects of actual navigation of the Missouri to other interests involved? Along the entire extent of the Missouri from Fort Benton, Montana, to the Gulf of Mexico it will inevitably force the building of additional railroads to and from the river cities in many localities, or increasing the trackage and carrying facilities of existing roads. It will just as inevitably result in lowering of railroad rates between those river towns and the inland towns connected therewith by rail. There seems no way of calculating increased trade in the river towns and increased railroad facilities and resulting and multiplied competition by railroads, without insuring to the inland merchant and tradesman a corresponding benefit and profit in business. Why do we with so much confidence lay down this last proposition? Let us see.

What is it that will *conduce* to the creation and up-building of river navigation? Obviously, up-river and down-river freight traffic. This means, on a broad scale, bringing in from the great eastern and southern commercial centers to the river cities and to the inland towns in their neighborhood, the commodities produced or manufactured at a distance and consumed or used in the Missouri Valley and the tributary country; and the shipment *outward* of some portion of what is produced in those regions and which will be consumed in the east or abroad. It means, on a narrower scale but upon proportions which we predict will prove astonishing, the shipment, locally, between river towns and outward into

the more immediate vicinity of the river, of many commodities produced from the soil and the vast grazing resources of the country, or dug from the earth in mines and quarries. The vast herds of livestock, the enormous quantity of general farm products, the millions of bushels of grain, the production of lumber, the countless millions of tons of coal, stone and precious ores which will thus be transported to greater or less distances, partly by water and partly by rail, will expand the growth of all the towns whose inhabitants and those trading in them will buy and consume, or sell and receive value for those commodities in the complex process of interchange of wants and luxuries which spells and always has spelled *trade*.

This process will make of the Missouri river towns more and more important *distributing points*. It goes without saying that this means *local*, in greater degree than it can mean general distributing points, and it will make them such because the trade relations between them and inland towns will enlarge as this navigation expands. And these trade relations will thus grow *because the inland merchant will perceive that he can get a better shipping rate and more prompt delivery* by ordering goods in the river town which is the metropolis of the vicinity than he can by ordering far away in the east. He will also learn another very important fact—that he can buy his goods cheaper in and receive them earlier from one of the greater commercial centers on the lower Missouri or Mississippi under the cheaper carriage rate, than he can deal for them in the eastern market. He thus helps to build up the Missouri and lower Mississippi valleys to the mutual benefit of himself and the great Middle West. He is all this time helping to solve the question of waterways transportation while becoming a substantial beneficiary of its blessings.

And the system of river transportation as related to the railroads will, as time goes on, materially enlarge the business of those land carriers; their managers will come to see that this vast problem of meeting the wants of trade in the Interior West will surely swell the coffers of their treasury in increased receipts and net profits, even though rates will be lowered. Under these new relations they can carry for less than they can now carry for, and more promptly. It is not the purpose of this paper to descend to details on this immediate phase; but reflection will convince that this statement is tenable.

A popular idea—and it is not without some substantial basis in the experience of the past—is that this project of river transportation may be rendered ineffectual by manipulation of rates by rail carriers, through a process of killing off the boat-line companies by disastrous underbidding in rates, for a period of time sufficient to “break” the water carrier financially, this process to be followed by increasing railroad rates above the normal level.* The country and inland city merchants are interested in this feature of the subject, because to the extent that river carriage would be thus crippled those merchants would find their business more or less affected or deranged through temporary disarrangement of rates and the means of transportation. There are several answers to questions arising upon this idea of the possibility of destroying river traffic once on foot. In the first place, for some time after river trans-

*Since this article was written Congress, in 1910, as one of its amendatory acts in passing the new rate-bill, provided that whenever a railroad, by reason of competition in carriage by water, shall lower its rate of shipment of commodities, such lowered rate can not be increased until and unless the railroad company proves to the satisfaction of the Inter-state Commerce Commission that such proposed higher rate is reasonable.

portation has gone on public demands for prompter shipments must continue. It is no proof that because twenty years ago when they could deliver goods promptly, railroad raids upon water carriers might be successful, similar attacks made to-day would be effectual. The moral effect of insistence upon quicker shipments, coupled with the fact that river carriage helps to make them quicker, would be a potent factor in encouraging the boat lines and continuing business with them during the conflict with the railroads, should such conflict arise. To this add the universal judgment against breaking down healthy competition—the greatest of all the issues which have entered into the industrial life of the nation, and which has already passed to the state of matured conviction in insistence upon fair play between competitors. In this connection the fact that actual experience in interior water carriage has demonstrated that tonnage can be carried in less time by water than by rail is deeply significant. That fact, dwelt upon by Herbert Quick in his recent address in Omaha, wherein he showed by the records of water transportation the truth of that proposition, should be regarded for all it is worth in determining how far the inland merchant is interested in the general problem of water carriage. If he knows—as he may by studying the facts at hand—that if he orders goods which can be shipped by water to the nearest river town, thence by rail to his own town, they will reach him as soon or sooner than if shipped by an all-rail route, the only remaining question of practical importance to him in order to convince him that *he* is vitally interested in this question, is that of rates. But the question of rates will take care of itself the moment that river carriage comes into practice. That freight can and will be carried a given distance by water at far less than by rail at present land

carriage rates, is true beyond doubt. This is admitted on all hands.

Now, suppose that a Sioux Falls, Mitchell, or Rapid City, S. D., merchant, or one in Norfolk, Neb., or Fort Dodge, Iowa (all inland cities), desired to purchase goods, say in St. Louis, or Kansas City, and he were assured by the shipper that they can be laid down in the Missouri river town nearest his own, at a certain low rate. He would next consider the rate from that river town to his own. If there were two or more railroads connecting them it would be an easy matter for him to get a rail rate, which, added to the water rate over the balance of the distance from point of initial shipment, would make a total cost of carriage much less than if he shipped from St. Louis or Kansas City through by rail. Either this must follow, or, if the management of the all-rail route would meet closer competition because of the new element of river carriage the rate over such route would be lowered, and thus the inland merchant would have a greater and a double leverage for forcing down cost of carriage. If there were but one railroad connecting his own with the river town, while the railroad company might be inclined to make an arbitrary rate between those points, local (state) laws would or should prevent charging an unreasonable rate; and the case of shipment partly by water and partly by rail would necessarily be adjusted upon a lower total expense than if all-rail carriage had been resorted to.

But the growth of the whole traffic in the Missouri valley and tributary country embracing inland towns, which would result from river transportation, would in itself insure fair treatment by the railroads in local rates between the river and those towns. If the railroads were unfair, the river towns, largely dependent upon those inland for trade and more and more interested in

that feature as river traffic increased, would protest against any arbitrary action taken by railroads to the prejudice of their inland customers, and that protest could not for long fall upon deaf ears, since it would reach the public authorities as well as the railroad managers. If the protest involved an inter-state rate the Inter-State Commerce Commission or other federal authorities would of course be appealed to to insure to the inland dealer fair treatment. In a word, he would have the boat-line interests, the river-towns, and the practically united sentiment and judgment of the whole country enlisted in his behalf to the end of securing to him *lower shipping rates and quicker carriage* than at present.

Lastly: Unless the inland merchant does enlist himself in aid of this movement to navigate the Missouri, his case will henceforth be a continually losing one, in the event that the unaided efforts of river towns in that direction shall prove unavailing. He will, comparatively speaking, be stranded as a factor and a beneficiary in the mercantile world.

For, supposing the present conditions of practically all-rail carriage of freight to continue, and no system of river transportation be established, it seems plain that the inland merchant must continue to be at a disadvantage, his business growing more and more subject to the withering effects of concentration of commercial energy and enterprise in the chief centers—which are almost invariably on a navigable stream whether at present navigated or not, or on an inland lake, or on the sea-coast. Is argument needed to prove that he suffers and has suffered for years under these disadvantages? He will be a greater loser in the future than in the past, for the principle of concentration in the greater centers where rail competition confers special benefits not to be had in-

land will be applied with greater intensity with the lapse of time.

Nothing can break this decided supremacy of the larger commercial centers but an innovation which shall give a new impetus to trade at large by making distance of less consequence and locality of less importance. And nothing but revival on an aggressive scale of inland water transportation will break that supremacy and rearrange the whole equation between time, distance and expense. When the inland merchant confronts in earnest these facts he will wake up to the actual problem which today stares him in the face, though he knows it not. And when once he takes to thinking upon the case we predict that he will become the most zealous convert to the cause of improvement of the Missouri river and other internal waterways up to the point of effective freight-boat navigation—a question which has already startled the commercial centers and the national authorities because of the pressing need of such relief and because of the incalculable benefits to merchants, manufacturers and consumers everywhere in faster movements of freight at lower rates.

WATERWAYS AND SOUTH DAKOTA*

Editor Public Opinion: The whole of South Dakota should awaken to the fact that there is abroad in this country a general arousal of interest in the improvement and navigation of our internal waterways such as never before occurred since the era of canal building in the first half of the last century. That this great issue and the furtherance of its policy means more to the commercial and industrial welfare of every community in the land than any other question of national and state concern now before the people.

The towns in the Missouri valley are already alive to the importance of this question as it relates to the communities and the undeveloped resources of this new commonwealth.

But the benefits certain to come to the inland towns and communities through water transportation will be not only substantial, but will be found to mean practically the same to producer, merchant and consumer as to those on and immediately adjacent to the rivers and lakes traversed by boats. This point will be brought out herein later on.

What causes have resulted in this general awakening? In the main they are few, but they are parts of one great question presenting itself in the form of a universal demand—for speedier and cheaper transportation. Speedier because, with all the facilities of rail-

*Communication, upon request, to the "Public Opinion" of Watertown, S. Dak., of Jan 3, 1911.

roads they are unable to carry with reasonable dispatch the vast amount of freight to be moved, whether over long or short hauls—a fact well understood by railroad managers as well as the general public. Delays occur, so common and so injurious to the multitude of interests involved in construction of improvements and development of resources, as to more or less seriously affect enterprise in many phases of business activity. And water carriage will so reinforce the railroads as to expedite transportation and relieve the stress of delay. Cheaper, in that the use of waterways will so affect the cost of carriage as to inevitably lower the rate charges for transportation in general throughout the country.

To the element of lack of prompter carriage by rail must be added the repressive and, as regards river transportation in many instances, prohibitive tactics of railroad management which have resulted in breaking down river competition through reduction of rail rates far enough to retire boat companies, and then by raising rail rates above their normal level when in fair competition with river carriage; whereby the public has lost the benefits of healthy competition. Such tactics are now prohibited by the new federal rate law.

Two great factors as exterior influences have entered into this problem and which are fast bringing results in a crystalized and insistent public sentiment and judgment on the main question—the building of the Panama canal, and the fact that all other civilized nations have used their internal waterways so largely as to put to blush the vaunted claim of the United States to superior enterprise, and to bring a real reproach against our federal and state governments as laggards in the race for supremacy in quick and cheaper transportation. For, as in all other countries, so in our own, this issue must be wrought out through co-operation between the federal

and state governments, aiding the initiative of the towns and communities involved.

Now, South Dakota is peculiarly well conditioned by nature's bestowal of facilities, to take advantage of the benefits of water transportation. Probably no other state in the Union which is not a seaboard state is better equipped in this respect and more equitably served in all localities. The great Missouri, navigable from St. Louis to Fort Benton—2,300 miles—has since 1831 been plied by water craft large enough to serve both the lower and upper stretches of the stream; and for hundreds of miles boats of smaller size may be used above the Great Falls in Montana. Her most northerly course is so near the vast New Northwest embracing the Canadian provinces east of the Rockies as to render it certain that in the end her channel will be used to float southward a large portion of the Canadian productions which would otherwise go to the Great Lakes in transit; and her southern extremity is really the Gulf of Mexico—for she is the main stream of the great Interior West, with all due respect to the "Father of Waters." She drains, above St. Louis, nearly four times the territory drained by the upper Mississippi. When it is considered that the Panama canal can never be to the North American continent what it should and will be until the principal rivers are deepened so as to permit of coasting vessels coming far inland, and that the Mississippi, Missouri and Ohio drain the whole area between the Alleghenies and the Rockies, the significance of this waterways movement in the middle West is more plainly seen. In this connection is realized the deep interest of all Missouri Valley communities in the Lakes-to-the-Gulf Deep Waterways—for the Missouri Valley will become one of the largest factors in the use of that waterway, southward, eastward and northward. And when we consider that the Orient is henceforth the great

international objective of the world's trade, involving the Panama canal and the Pacific seaboard, the superior location and efficiency of the Missouri river as the principal internal waterway of this continent, as against the upper Mississippi, is more fully realized.

But the Missouri and her branches are not the only waterways which enrich South Dakota and complete her eminence in this direction. Big Stone lake and Lake Traverse are destined to become material arteries of commerce radiating to all the cardinal points and over considerable territory.

In the not distant future Sioux Falls will be in water touch with the Missouri river by deepening the Big Sioux river. The Red River of the North will also be improved southward to Lake Traverse. The Minnesota river will be deepened as an accessory to the Mississippi; and already a well-thought-out plan has been created looking to an artificial waterway between the upper Minnesota and Big Stone lake, thus connecting our lakes with the Mississippi. It seems entirely probable that all three of these phases of improvement will be carried out within the next five to ten years. The barge service which will result from the improvement of the Big Sioux and the Red river will mean much to eastern South Dakota. The stated connection with the Mississippi will probably prove still more significant.

And when freight-boats run between Lake Winnipeg and Big Stone City, and from the Missouri to Sioux Falls, the then future will probably find it expedient to solve the question of connecting those two waterways by deepening the Big Sioux northward and constructing a canal between, say Flandreau or Estelline and Big Stone Lake. In that event there would be two continuous waterways through this state whose extremes northward will be affected by Canadian commerce and whose limita-

tions southward are not short of the Gulf of Mexico. East and west traffic will also incidentally receive new life and stimulated growth through every one of these avenues.

Inland localities must benefit by waterway commerce. The expansion of river and lake towns thereby brings them benefits because trade with the interior is thus enlarged. Indeed it is to secure that enlarged trade with inland communities that river towns seek to open new or improved avenues of traffic, else the effort would be almost wholly in vain. Increased facilities for and consequent cheapening of transportation must come in order to increase business at the principal centers and make them better distributing points. But they can not become better distributors to inland points without bettering the inland communities also, since lower rates and quicker carriage will result. Thus the producer and consumer will be brought nearer together. The farmer will receive greater net profits on his products, while both farm and manufactured goods can be sold to the consumer at lower prices. The inland merchant, by being able to deal advantageously with wholesalers in near-by centers—brought nearer to him by the very process of waterway carriage—can operate more economically, receive his goods more speedily, and can reckon more certainly as to profits. The whole process means additional railroad facilities into the interior, more and better employment of labor in all localities, more rapid development of our natural resources and more general and marked growth and prosperity.

Good roads are a necessary adjunct to perfection of the waterways problem. To the extent that produce can be hauled to shipping points quicker and cheaper and return trips made, will farmers enlarge net profits, while the consumer will also be benefited thereby.

The most powerful argument by which to secure continued and enlarged appropriations in the systematic improvement of our waterways by the federal government is to *use the waterways as they are*. This note has been sounded deep and broad in every waterways convention and congress which has been held since this movement took definite form.. Nothing can so pave the way to deepened and duly protected waterways as the spectacle of boats in actual operation upon the waters as they now exist. Such use of them will be invincible reason for expenditures to their betterment. Long ago this truism found expression in the conventions of the Missouri Valley in the slogan: "The way to navigation is to navigate!" And why not navigate *now*? There is absolutely nothing in the way save the weak hesitation born of observance of waters barren of commerce. The conviction that boats can operate over long distances at profit on the Missouri river has already taken form in contracts for building modern craft on the lower Missouri and the Mississippi, and the towns on the Missouri in this state are about to follow the example.

The most urgent immediate need to that end, however, is the acquisition by river towns of wharfage and modern terminal facilities, so as to connect water with dray and rail carriage and greatly cheapen and expedite loading and unloading of freight. Upon no point connected with the waterways issue has discussion in conventions and through the press been so interesting and demand so insistent as upon this vital point. Without adequate terminal facilities, owned and controlled by municipalities, the revival of commerce by water will still be greatly retarded. The creation of those facilities is a condition which must be met in the very process of revival of river traffic.

“PROGRESS AND PROSPECTS OF COMMERCIAL AMERICA”.*

In responding to the sentiment involved in this toast, I know of no fitter beginning than to observe that the Pilgrim Fathers were men of commerce as they were men of God. That in laying the foundations of religious liberty in America they at the same time manifested that genius for trade which was the handmaid of religious faith and without which civil liberty could not have been perpetuated in the New World. For only by virtue of extreme hardihood and keen commercial instinct could the hard conditions of the New England and Virginian coast have been wrought upon to the end of founding a commercial principle which, within a century and a half after Plymouth Rock was gained, led to a rupture with the mother country resulting in independence, and which within little more than another hundred years, in subduing the plains and mountains to the far Pacific shore, has astounded all Christendom.

The God-fearing pioneer who went forth with ax and gun into the wilderness, or with boat and net became a fisherman, was building a state whose vital elements were a free conscience reinforced by industry. And from that day to this American commerce has been the fruitage of the lessons of its infancy. Not alone has wealth of material resources been the leaven of this miracle of the ages. Nor has isolation of country served

*Author's response to the above toast, at a banquet in honor of Forefathers' Day, at the Riverview Hotel in Pierre, S. D., November 20, 1903.

as a solution of it. These have furnished the scene, but the performance has outrun environment and discounted the materials which have been instruments in the hands of the toilers. American craft in subduing the American continent has been answering the call of Jehovah in the days when bondage of the soul was the issue of mankind, and the constituted authorities of Europe claimed and exercised the right of furnishing the school and the ritual of religious faith.

And when the spectacle of revolt against the British government was enacted in the days of Washington, so strong had grown the impetus of commerce among the Colonies that not religious liberty but freedom of trade furnished the justification for independent statehood, and the Boston Tea Party sounded the key-note of the Revolution by casting into the sea a commodity which, more a luxury than a necessity, could not be consumed without the payment of an import tax.

I shall not attempt to burden your thoughts with a descent to figures or statistics. Calculation and comparison can be carried on only in terms which are colossal and bewildering. The simple truth is that the Yankee has passed from the humble station in which his interests were not seriously consulted, to the summit from which he surveys the arena of the world's commerce with the eye of the expectant master, while foreign powers and peoples are observant with more of submission than of rivalry, and yet with jealousy which compels emulation.

And the American system of conserving to Americans the home market, for produce and for labor, while sending abroad our surplus, has woven the texture of the beautiful fabric which is the emblem of superiority in internal and external trade. It has brought plenty and luxury to American homes while furnishing to less fortunate consumers abroad our overflowing bounty of land

and mill. It has built up an internal commerce which so far outstrips that of any other country and so far predominates over our foreign trade as to render a comparison of facts a marvel indeed. And these conditions have in turn brought to our shores the foreigner who, eager for a share of the prize which they insure to industry, forgets not that to material prosperity is added to our citizenship the boon of free schools and enlightened public opinion; all combining to form a body politic composed of the best blood and energy of the Christian nations and whose achievements are distinction itself.

It is commerce which has been the civilizer in all ages. And American commerce has had more to do with fitting our people to conquer in peace and war than is realized. It has added to the innate courage of the American pioneer the resourcefulness born of knowledge, and which attacks with equal success the raw materials of nature and the country's enemy on land and sea.

This commerce will lead our country in its larger growth, already begun in the assimilation of islands in both oceans and as the dominant foreign power in shaping the destiny of the Orient. It will insure to American carriers in American ships a foreign trade immense in value and world-wide in extent. Reciprocity will be the instrument of mutual advantage and the principle of international trade. American diplomacy will in future more than in the past be occasioned and justified by the vanguard of commercial interests, and the statesmen who shape our foreign policy will act more and more in the presence of the American marine. Our national emblem will appear in every foreign port and be hailed with greater respect as the blessings of our commerce to the nations increase.

In a more remote day will the training of our forefathers in the virtues of frugality and the art of govern-

ment be so far forgotten that the vision of wealth and power shall blind the devotee of commerce to the path trodden by his ancestors? Shall the advent of swarms of American shipping in some great foreign harbor prove the temptation of power over principle? Will a panorama in some rendezvous of the seas reveal American warships, in the name of American commerce, imposing unjust judgment upon a weaker power at the cannon's mouth? When Britain shall have sunk to inferiority and our national standard is feared of the world, will Forefathers' Day be held in memory only as a phantom of the past? When the zenith of American prestige in commerce is reached will physical force have become reinstated as the arbiter of national destiny? Will American inspiration find a counterpart in the brazen front of imperial Rome?

My friends, it will be many ages before American commerce will, under any conceivable circumstances or trend, work forgetfulness of its beginnings and the principles thereof. Let us hope that such a calamity will be very long deferred.

But with that hope let us never forget that the perpetuation of the benefits of our national commerce depends, in future as in the present, upon individual rectitude and responsibility. If the people, in the struggle for wealth and station, forget that they are responsible for any departure from public virtue and business integrity, the day of waning glory of American commerce and government will not be long delayed. For commerce and government are so intertwined in our national system that corruption in the former is a direct and vital attack upon the latter.

All honor to commercial America! She pours forth her bounty into the lap of the world, and gives free lessons in the mysteries of her genius. She springs to the

rescue of the downtrodden, and lifts them up by examples in government which teach how to get a living as well as how to live. All the world is at her feet in admiration of her achievements. The trade of all the world is hers to conquer.

ENGLAND AND BLOCKADES.*

Pierre, S. D., April 27, 1898.

To the Editor:

In an editorial in the Journal of the 23 inst., upon the subject of the blockades by our government of the ports of Cuba, and in dwelling upon the point that a blockade, in order to be respected, must be effectual, it is stated: "Great Britain stood for this principle a century ago, and it is now acknowledged by all civilized nations."

As this statement seems to imply that England at that time took the initiative in proclaiming and establishing this principle now so generally recognized by the nations, and as such assumption is clearly at variance with some important facts of European history of a century ago, and even prior as well as subsequent to that particular period, I take the liberty to communicate to your valuable paper some essential facts connected with the blockade which some of the most powerful European nations declared upon in those times, in strict accord with your contention as to what blockades must be in order to be respected, but to which England not only did not assent, but against which she protested, either by formally protesting or by proclaiming constructive blockades, according to the exigencies of cases arising, and upon the theory of her real or claimed supremacy of the seas.

In 1780 the Empress of Russia sent out to the courts of London, Versailles and Madrid a declaration embody-

*Communication to the "Sioux City Journal" of May 3, 1898.

ing certain principles of international maritime practice relative to neutral shipping and blockades, which that sovereign declared would be maintained by Russia; and after declaring upon the famous principle that enemies' goods in neutral vessels are free, except contraband, the fourth article declares: "That, to determine what is meant by a blocked up port, this is only to be understood of one which is so well kept by the ships of the power that attacks it, and which keep their places, that it is dangerous to enter into it." Great Britain did not accede to this, but contented herself, in answering it, by referring to her practice of treating friendly neutral powers as they treated her, of keeping her commercial treaty obligations, and referring to the "law of nations". At the same time the King of Denmark made a similar declaration in consonance with that of Russia, one article of which proclaimed "That he will look upon as a port blocked up, into which no vessel can enter without evident danger, on account of vessels of war stationed there, which form an effectual blockade." The King of Spain, in answering the Russian declaration by substantially assenting to it, added: "To be understood, nevertheless, that, with regard to the blockade of Gibraltar, the danger of entering subsists, as determined by the fourth article of said declaration"; referring thereby to the then existing blockade of that British stronghold. France answered the declaration by stating that its principles were none other "than the rules already prescribed to the French Marine, the execution of which is maintained with an exactitude known and applauded by all Europe."

The English narrative of these events, as found in the "Annual Register"* (volume 23, page 206), thus

*The "Annual Register" comprises a series of annual publications issued in London and beginning with the year 1758, being entitled "A View of The History, Politics, and

comments: "The solitary court of London was obliged to suppress her indignation at an injury, which she could not at present, resent nor remedy."

Again: The treaty of September 30, 1800, between France and the United States, embodied the principle of actual and effective blockade. In commenting upon this treaty the same English authority (volume 43, page 85), says: "Thirdly, the French required that those ports only should be considered as blockaded, at the entrance of which the blockading ships were actually anchored, and that so near as to create, at all times, an evident danger to those ships which might attempt to enter. The English insisted that blockades might be constituted by cruising squadrons, answering, in a naval war, to those real or virtual lines of circumvallation which belong to a siege by land. These ideal lines on the sea, though not defended in every point by an equal force, they held sufficient to exclude all right of commerce with the towns so invested; it was by this system only, that many ports hostile to England, and particularly that of Brest, could be effectually blockaded." The French-American treaty above mentioned used the terms "actually besieged, blockaded or invested".

Still later, in 1807 and 1809, the so-called British Orders in Council were issued by the English government, by way of reprisal and retaliation against Napoleon's famous Berlin and Milan decrees, by which the whole of the British islands were declared blockaded, and in many respects which might be called a theoretical commercial blockade of most of the European continent; followed by a declared blockade of all the British do-

Literature, for the Year", etc. This invaluable record of the world's doings in all the leading fields of human activities furnishes in a very large sense the essential background of the history of Christendom covering the period of time since its publication began.

minions. Those Orders in Council declared France and the states subject to her to be in a state of blockade. But as these declarations were not and could not be made good by England, they amounted, in many respects, to a mere fictitious or theoretical blockade, and falling short of the really constructive one which Great Britain during a long period of time insisted upon as good, by virtue of her superior position among the maritime powers; and the validity of those orders has been, for these and other reasons, challenged time and again.

If then, Great Britain "stood for this principle a century ago," it would seem that, at least amid the stress of circumstances, and during some widely separated years in the neighborhood of 100 years ago, she both dissented from it and acted contrary to its essential character and meaning.

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Supplemental note to the foregoing :

DECLARATION OF PARIS.

After the Napoleonic Wars were ended, the interests of industrialism and of trade and commerce had become so great, relatively to those of warfare among the nations, that, at the end of the Crimean War, the Congress of Paris resulted in the formulation of the so-called Declaration of Paris, of April 16, 1856, made binding upon the Powers acceding to it, but excluding from its obligations and its privileges those who did not. Its four propositions were: (1) "Privateering is and remains abolished"; (2) "The neutral flag covers enemy's goods with the exception of contraband of war;" (3) Neutral goods, with the exception of contraband of war, are not liable to capture under an enemy's flag"; (4) "Blockades, in order to be binding, must be effective—

that is to say, maintained by a force sufficient really to prevent access to the coast". The Powers Signatory to this Declaration were Great Britain, France, Austria, Prussia, Sardinia, Russia and Turkey; and all other civilized maritime nations acceded thereto, save the United States, Spain, Mexico, and a majority of the South American States. The United States declined to become a party to it, because of the proposition relating to privateering, and upon the ground that, as contended by Mr. Marcy, our then secretary of state, "the right to resort to privateers is as incontestable as any other right appertaining to belligerents", that "the effect of the declaration (on that head) would be to increase the maritime preponderance of Great Britain and France, without even benefiting the general cause of civilization; while, if public ships retained the right of capturing private property, the United States, having a large mercantile marine and a comparatively small navy, would be deprived of all means of retaliation"; and he offered, without avail, on behalf of his Government, the "Marcy amendment", which in effect exempted all private property from capture on the seas; "privateering would thus become objectless and cease." Sections 2 and 4 of the Declaration of Paris were generally recognized principles of international law.

DECLARATION OF LONDON.

The Declaration of the International Naval Conference of London, known as the "Declaration of London," was formulated at said Conference, held from December 4, 1908, to February 26, 1909, and bears the latter date. It constitutes an elaborate code of principles and rules applicable to "Blockade in Time of War" (Chap. 1, Articles 1 to 21); "Contraband of War" (Chap. 2, Art. 22 to 44); "Unneutral Service" (Chap. 3, Art. 45 to

47); "Destruction of Neutral Prizes" (Chap. 4, Art. 48 to 54); "Transfer to a Neutral Flag" (Chap. 5, Art. 55, 56); "Enemy Character" (Chap. 6, Art. 57 to 60); "Convoy" (Chap. 7, Art. 61, 62); "Resistance to Search" (Chap. 8, Art. 63); "Compensation" (Chap. 9, Art. 64); and "Final Provisions," covering Articles 65 to 71, pertaining to the ratification of and to the conditions under which the Declaration is applicable and enforceable; under which it "must be treated as a whole, and cannot be separated", and "shall be ratified as soon as possible" by the Signatory Powers; and the British Government is therein authorized to extend an invitation to other Powers not represented at the Conference, to accede to the Declaration.

The chief reasons for calling said Naval Conference seem to have been, that because of the failure (chiefly for want of time) of the Second Peace Conference at The Hague in 1907 to prepare a code upon the subject in hand, and also because some differences had there been expressed upon certain phases of the subject, a further conference among the chief maritime Powers was deemed advisable; and the British Government was especially desirous of having such a code adopted by all the leading nations, in order that her Parliament might be thereby further encouraged to ratify such action. Again: The International Prize Court of Appeals, proposed by the Hague Conference of 1907 to be created—but whose action had not yet been ratified by the United States and many other nations—was a tribunal which it was greatly desired by the Powers in general to have equipped, as an agency of procedure and of principle involved, with such a code of international law, since the prize courts of some of them had differed in procedure and to some extent in the principles applied in determining rights involved; and the International Prize Court is proposed

to be given appellate jurisdiction. Upon the feature of its appellate jurisdiction the United States and some other nations whose constitutional requirements would or might preclude the use of such an international prize court as a court of appeals, urged, and the Naval Conference adopted a protocol expressing a wish, to the Powers represented, that an arrangement be concluded

“by which the states affected by such constitutional difficulties could have recourse to the international prize court by presenting each case *de novo*, without affecting the rights guaranteed by the convention either to private persons or to their governments”.

That protocol was signed by all representatives at the Conference. Our Secretary of State, Elihu Root, had—in view of the fact that “the United States has not yet ratified the convention for the establishment of the international prize court”—in his instructions to our delegates to the Conference, urgently impressed upon them the advisability of their refraining from assuming

“an attitude or position in the discussions in the conference which may seem to commit the United States to the ratification of the convention for the establishment of the court, or to commit this government, by an acceptance of the general rules of maritime warfare to be formulated by the conference, to create the international court of prize provided for in the convention signed at The Hague on October 18, 1907.”

It appears, at the time when this note is being prepared (July 22, 1911), from the course of debate in the British Parliament, and from the trend of public comment in the United States, that the ratification of the Declaration of London by all of the Signatory Powers is morally certain to occur, and that many other nations will accede to its provisions. Those Signatory Powers are: Germany, United States (represented at said Conference by Rear-Admiral Charles H. Stockton, and Mr. George Grafton Wilson, of Brown University); Austria-Hungary, Spain, France, Great Britain, Italy, Japan, Netherlands, and Russia. In the General Report of the

Conference, the "Preliminary Provision" declares: "The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law". Also: "In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline". And they add: "There has been universal agreement on this subject for a long time. As for the definition of an effective blockade, we thought that we had only to adopt the one to be found in the Declaration of Paris of the 16th of April, 1856, which, conventionally, binds a great number of States, and is in fact accepted by the rest." The Declaration contains this further statement regarding the scope and spirit of the work done by the Drafting Committee, of the Declaration, to the Naval Conference: "The Conference has thus taken up the work of codification begun by the Declaration of Paris of 1856. It has worked in the same spirit as the Second Peace Conference, and, taking advantage of the labors accomplished at The Hague, it has been able to solve some of the problems which, owing to the lack of time, that Conference was compelled to leave unsolved".

Following is a copy of the Declaration of London concerning blockade; from which it is readily seen that, whereas, in the Declaration of Paris the subject is dealt with in very brief and general language—in a single sentence—in the later Conference a descent to great detail as to circumstances, evidence, limitations, and conditions is made. As stated by our Delegates Plenipotentiary to the Naval Conference in their report of the Conference to our State Department, "These rules are

definitely understood to have no reference to what has been called "pacific blockade".

BLOCKADE IN TIME OF WAR.

Article 1.

A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

Article 2.

In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

Article 3.

The question whether a blockade is effective is a question of fact.

Article 4.

A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

Article 5.

A blockade must be applied impartially to the ships of all nations.

Article 6.

The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

Article 7.

In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

Article 8.

A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.

Article 9.

A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

- (1.) The date when the blockade begins;
- (2.) The geographical limits of the coastline under blockade;
- (3.) The period within which neutral vessels may come out.

Article 10.

If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the

particulars, which, in accordance with Article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

Article 11.

A declaration of blockade is notified—

(1.) To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it.

(2.) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

Article 12.

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

Article 13.

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.

Article 14.

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

Article 15.

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

Article 16.

If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

Article 17.

Neutral vessels may not be captured for breach of

blockade except within the area of operations of the warships detailed to render the blockade effective.

Article 18.

The blockading forces must not bar access to neutral ports or coasts.

Article 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

Article 20.

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

Article 21.

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade

PART IV.

PAPERS, ADDRESSES AND REVIEWS

UPON

MISCELLANEOUS TOPICS

“JULIUS CÆSAR”—AMBITIONS OF THE PLAY*.

In this play Shakespeare portrays in the Drama the ambitions which arose and contended with each other among the leading characters of Roman history during the reign of Julius Caesar; the issue being between the same contending principles which are found opposing each other in all great crises in political history—that of power and official aggrandizement upon one hand, and of disappointed ambition joining hands with exalted patriotism upon the other. The writer feels bound to believe that the great dramatist seeks in this play to teach through the situations and actors therein displayed the lessons of the history of those fateful times, and to make, as the factual elements do, the name and objective of Caesar the central point of interest and the subject of contention. But what makes the play as well as the events upon which it is founded of peculiar interest and the subject of diversity of view, is the point, brought out with spectacular intensity in both, that that blinded patriotism so wrought up by imagining evils in the state as to find warrant in forcible removal of rulers is the greatest danger which can befall a people under any form of government. That Shakespeare in fashioning the play artificially adjusts some facts and gives undue prominence to others, may be due to his possession of a genius for marshalling the parts to fit a higher conception of the truths involved than is vouchsafed the general student

*Read before the Dickens Club, Pierre, S. Dak., December 10, 1900.

in the effort to comprehend them—be that as it may, the license indulged in is the legitimate property of the dramatist.

The events upon which the play is founded are themselves the most prominent of all the facts of history to which the mind reverts in any general view of the past, in contemplating the vicissitudes of states and the ambitions of men. In a large sense Caesar's life and death, and the times affected by both, constitute not only a great epoch but a line of demarkation between the ancient and modern in history, as well as the foundation of much that now is in existing civilized government, and the index to the ambitions of our day. Doubtless Shakespeare, in gathering materials for his labor in this connection relied principally upon the accounts of Plutarch, who wrote substantially one hundred years after the death of Caesar, and whose narration of facts concerning some of the personages dealt with is not in some respects in keeping with the views of later writers and historians.

The scene in the play opens upon a street in Rome, the Tribunes Flavius and Marullus seeking to disperse gatherings of citizens and the populace who are rejoicing over Caesar's triumphs, the imputed occasion being on the day of the wild feast of Lupercal—though that event had in fact occurred some months earlier—the Tribunes boldly crying down Caesar and exalting Pompey's name in comparison, in their efforts to break up those assemblies and destroy the decorations set up by the people in honor of Caesar. In the background and for the most part all unmentioned by the dramatist, is the imposing fact that Caesar had indeed triumphed in the sense of ruler, conquering general in a long series of campaigns in the west and northwest of Europe, and of domination over factional competitors in Asia and Africa and at

home. He had won over to his side Antony; had defeated Pompey at Pharsalia after that general had gone over to the Senatorial party and broken his alliance with Caesar; and Pompey had been slain in Egypt. Cassius, naturally jealous of Caesar's ascendancy, had been made his enemy through events which, not designed for such an end, expressed the judgment and policy of Caesar; among others, that of preferring Brutus to him in giving the former the office of Pretor Urbanus while assigning to the latter a lesser Pretorship, though Caesar as his conqueror on the Hellespont after Pompey's defeat had received him with favors similar to those extended to Brutus. Brutus, the student and stoic, who had cast his lot with Pompey—though reluctantly, his father having been murdered at Pompey's instance—but who had been most generously treated by Caesar after Pompey's defeat, had been made Pretor of Rome and had been promised the Consulship, was being wrought up by Cassius and the Senatorial party, through high compliments to his virtues, allusions to the overweening power and tyranny of Caesar, and distant hints upon his alleged lineage with old Brutus who drove out the Tarquins, to believe that in him lay the means of ridding Rome of another oppressor. Casca had been made Tribune through Caesar's favor; while Cimber had been promised the governorship of Bithynia. Cinna was Pretor, and a brother-in-law of Caesar. Decimus Brutus, who had served with Caesar in Gaul, was elected Pretor, and Cis-alpine Gaul was under promise to him by his chief. Trebonius had received many recognitions at his hands, his Consulship was just ended and he was soon to govern Asia. Caesar and Antony were now the two Consuls. Caesar had been the recipient of every official honor which esteem or flattery could bestow, which honors had been won by him through his popularity, with or without hindrance

by the Senate or popular faction. He had been the ablest administrator which the Romans had ever produced or ever were to have. And in the wholesale pardoning of his enemies he had made a precedent never before set up by one in power and which has never since been imitated. As historian of his time he had shown the master hand. He had caused to be formulated that Roman Code which has given the age of Caesar its most enduring name and which constituted a foundation upon which was built up the structure of the Civil Law of Europe, from which has been borrowed many of the principles of the Common Law of England and America. His far-reaching plans of internal improvements; his regulation of the Citizens' Register; his granting of Roman privilege to the conquered provinces—in these and many other respects he had shown that his real objective in continuing to head the Roman state was to lay secure and permanent foundations for some stable government, under what particular form was not very essential, in order to rescue the state from the degradation into which it had fallen under the reign of Sylla, of Marius and Cinna, and of their factional successors, and which had continued during his absence in the northern wars.

Here indeed was material for a Shakespeare to embody in dramatic form to teach the world a lesson for the ages.

In the next scene he brings Caesar and his train into view, with some of the conspirators. The soothsayer gives him warning of the Ides of March—and he calls him a dreamer; both Brutus and Cassius drawing his attention to the soothsayer's presence. The procession passes on to the games; Cassius reproaches Brutus with a waning regard for him, and Brutus' plea is that he is internally vexed, at war with himself; Cassius suggests that there is

that virtue in Brutus which he himself cannot see, offering himself as a mirror through which to reflect it upon Brutus' consciousness. Then, amid a shouting in the street which brings from Brutus an expression of fear that Caesar is being chosen king, but that still he loves Caesar, Cassius pursues his end of undermining Brutus' virtue and to make him leader of the bloody conspiracy already hatched in Cassius' brain, and in response to Brutus' inquiry why he is held so long, tells him that honor is his theme; that he himself would not live in awe of himself, that they were both born as free as Caesar; tells of incidents showing Caesar's weakness in extremity, yet that Caesar like Colossus strides the world; that Brutus' name is as strong as that of Caesar to conjure with; that Rome is shamed, has fallen from her noble estate when there was another Brutus. This brings Brutus to admit that he knows what is being aimed at; that he will further consider and will hear Cassius again, and inveighs against the times. And as Caesar's train returns Brutus notes the disappointment in him—he has not been crowned. Then Casca tells Brutus and Cassius what passed when Antony had offered Caesar a coronet, how he had thrice declined it, each time with more reluctance, the crowd applauding his refusals, that he had then exposed his throat to their assault, then swooned, and when revived had plead his physical infirmities in excuse for his doings. After Casca departs Brutus promises Cassius that he will confer with him tomorrow; and upon his leaving Cassius the latter resolves that Brutus can be won over, and to cause to be thrown into his windows the writings which shall hint at the high opinions of Romans for Brutus, the ambition of Caesar, and Brutus' mission in the premises.

Then the ambition of the conspirators to bring Cicero into the plan is brought out; Casca answering Cassius'

inquiry as to what Cicero had said when Caesar refused the crown, by stating that he had spoken in Greek, that those who understood him smiled and shook their heads; and the third scene shows Casca met by Cicero on the street, breathless with fear at certain portents in the heavens and the streets of Rome, which he had seen and is narrating to Cicero as omens of anger of the gods, who would send destruction to worldly Rome; but Cicero replies that the purpose of those things might be different, inquires if Caesar will be at the Capitol to-morrow, and is told that he will and that Antony was bidden by Caesar to notify Cicero of the fact. Cicero departs and Cassius arrives, and explains to Casca that the omens are but instruments of heaven to incite fear and give warning "unto some monstrous state," and that he could name a man no mightier than either of them but dreadful as the omens—whom Casca thinks is Caesar; and to Casca's statement that Caesar is to be crowned king he suggests suicide as his own remedy for such a wrong; finally secures a promise from Casca that he will follow Cassius in redress of wrongs; and is told that other high-minded Romans are in a plan "of honorable, dangerous consequence." Cinna comes for Cassius and he has seen strange sights; he reports all conspirators are at Pompey's porch, save Cimber who is after Cassius at his house; is told to distribute the papers which shall incite Brutus, then to go to Pompey's porch; while Cassius and Casca go to urge on Brutus.

In the second act Brutus soliloquizes, that there is none but the general cause for Caesar's death; that he had not known Caesar to be unduly swayed from reason; that Caesar would be crowned, and that as the wrong is in Caesar crowned, he should be regarded as crowned, and therefore killed "in the shell". Then his servant finds the papers thrown in his windows, and he promises

Rome that if redress will follow those petitions he will respond. Confesses to himself that thoughts of this have made him sleepless. Cassius with the other conspirators comes and introduces them to Brutus, who declares no oath is necessary to resolve them upon the deed in hand—the great cause itself is sufficient bond. All but Brutus are for having Cicero with them, he objects that Cicero will not follow what others begin; and he is discarded. Only Caesar shall be killed, though Cassius urges that Antony, beloved of Caesar, should not outlive him, that he would annoy them; Brutus replies that all that Antony could do would be to die for Caesar. Decimus Brutus promises to prevail upon Caesar to go to the Capitol that day, by bending his humor to the point, and the conspirators separate to meet again in execution of the common cause; Brutus being the leading spirit. "Let not our looks put on our purposes." Portia plies Brutus for the cause of his uneasiness of mind; he finally promises to reveal it to her.

The scene of the murder of Caesar at the Capitol is the climax of what has been related; Caesar's wife having at first prevailed upon him through reciting strange things seen and heard as omens, to refrain from going out; then Decimus Brutus comes and interprets the omens in a new light, and Caesar resolves there is no danger, and attends the Senate. Artemidorus and the soothsayer plead and remind—he challenges the one and hears not the other. The Capitol is entered. Cassius trembles lest they be discovered, Brutus is constant and fearless. Trebonius spirits away Antony; Cimber with undue formality pleads his brother's cause before Caesar, but in vain; Brutus reinforces him, kissing Caesar's hand; then follows Cassius in the same cause; all others follow with words, save Casca, who speaks with his hands by stabbing the great Consul, the final blow being struck

by that Brutus whom Caesar believed to be his best friend and whose posture then and there broke his spirit at the door of death.

Then comes the relaxation after crime committed, in which bold fact challenges with unwavering eye the instruments of guilt and evokes the attempt to justify. Cinna cries "Tyranny is dead." Cassius, the arch conspirator, urges some to the pulpits to shout "Liberty". Brutus, still unmoved and sensible of righteousness, pleads with senators and people not to stir, that "ambition's debt is paid," that no harm shall come to them; while both he and Cassius urge the Senator Publius—each for reasons of his own—to stand apart from them. Casca would have Brutus mount the rostrum, and Decimus says "Cassius too." Trebonius, who had taken Antony from the Senate before the deed was done, returns, reporting Antony fled from terror, that everybody runs, reminded of doomsday. Brutus waits on the pleasure of Fate; says if death ends fear of death, then Caesar is befriended; let's dip in Caesar's blood and in its name go forth to cry "Peace. Freedom. Liberty." Cassius adds that such exalted scene shall for ages be acted out in unborn states and with exaggerated emphasis. Brutus, that on the stage Caesar, now vile as dust at the foot of Pompey's statue, shall "bleed in sport"; Cassius rejoins that then the conspirators will be known for devotees of liberty. Decimus doubts the step of appealing to the people, but Cassius encourages in the name of Brutus as leader. Antony's servant arrives with specious words of love for Brutus and of fear and respect for Caesar, asking a pledge of personal safety from Brutus, sending his own pledge that if Caesar's death is justified he will be a friend of friends to Brutus; who complies, sending welcome to Antony, whom Cassius still fears, expressing shrewd misgivings. Antony comes, kneels in eulogy

over Caesar's body, declares if he too must die it shall be there and by the swords that ended Caesar; is reassured by Brutus, who says their hands, not hearts were in the deed, their hearts were pitiful only for Rome's wrongs, their swords are leaden points to Antony; who then fraternizes with them all, but turns to Caesar's body and apologizes to his spirit for making peace with his foes, arraigns his killers till Cassius reproves, then asks pardon, saying his indictment was meant to be put into the mouths of Caesar's enemies; says they may depend on him, he hoping for proof that Caesar was dangerous, which proof is vouched for by Brutus. Antony's wish that he may speak at Caesar's funeral is granted by Brutus, demurred to by Cassius for fear of Antony's oration; but Brutus will speak first, to justify the deed, and will say Antony speaks but by permission, that Antony shall blame no one in his speech, but say all good of Caesar. Then Antony, left alone with the body, pours out his soul in high encomium, in wrath and vengeance. Octavius, Caesar's servant, is told that Rome is too dangerous for Octavius yet.

Now comes the scene which, were it not for the wrong in Caesar's death, must be the real climax of the play—the immortal orations of Brutus and of Antony, so ably edited by Shakespeare. In history they were parted by several days, but immediately join in the play. In a word, Brutus pleads in justification to the populace, his love for Caesar, his higher love for Rome, his peroration being: "Death for his ambition." Being reassured by the citizens that there are none who love not country, he boldly declares he by the death of Caesar offended none. And before leaving the rostrum takes pains to say that Antony, coming to mourn Caesar's body, shall benefit by Caesar's death, by higher office; that he himself holds for his own death that dagger which slew his

"best lover for the good of Rome," when his countrymen demand it; responded to by: "Live, Brutus."

Antony's great oration is intensified in effect by the mute eloquence of Caesar's bloody corse. The burden of it is to show that Caesar was not dangerous in his ambition, though Brutus and his fellows claim he was; to exhibit Caesar's greatness, but not to seem to wrong the conspirators in so doing. The will of Caesar and its bounties to the poor of Rome are distantly hinted at, thus whetting the appetite of the audience and arousing gratitude for the dead. Then he shows the bloody and gashed mantle, mentioning the love of Caesar for Brutus who had given the "unkindest cut" which broke the victim's heart; then uncovers the ghastly body to the multitude, and disclaiming eloquence, "speaks right on" to the facts, wishing he were a Brutus, who could put tongues in those wounds to move the stones to mutiny. Having thus moved men so near to mutiny, he exhibits and reads Caesar's will, whose munificence leaves nothing in the way of making the measure of gratitude and consequent revenge so full that the public will run mad must now assert itself. The improvised funeral pile consumes Caesar's body "in the holy place," its brands are lent to fire the houses of his murderers. And so Antony "let slip the dogs of war." The frenzied rioters seize upon a name and dismember a poet. Cinna for Cinna the guilty.

All that follows in the fourth and fifth acts goes to vindicate the right and to punish the wrongs of the great conspiracy. The proscriptions, the seizing upon the benefits of Caesar's will, the retention by Octavius and Antony of Lepidus in the new Triumvirate, the flight of Cassius, Brutus and others to the east and their pursuit, the quarrel at Sardis between Cassius and Brutus showing Brutus' firm public rectitude, his want of fear for Cassius, his fortitude in arraigning Cassius for condon-

ing bribery and for denying Brutus legitimate money to maintain his army, though Brutus was sorely weighted with a double sorrow in his Portia's self-destruction, Cassius' apologies upon learning this fact, Brutus' overruling of Cassius and deciding on immediate attack while tide "leads on to fortune," his solicitude for his servants comfort and his calm resumption of his books on the eve of battle, the ghost of Caesar warning him they will meet at Philippi, his alarm over the incoherent talk of Lucius, the dreaming musician, the exchange of ironical expression between the Triumvir generals and Brutus and Cassius before Philippi about words and strokes, the debate between Cassius and Brutus as to what they would do if defeated, Brutus' spurning of suicide, yet protesting he will not be led in triumph, their long farewell, the scenes at Philippi in which hope of success is turning to despair for the Republicans, Cassius' fall upon his sword upheld by Pindarus, the wavering battle as between Octavius and Brutus, Titinius' ending on Cassius' sword, Brutus' farewell to "the last of all the Romans," his desperate last charge in the name of "Brutus, my country's friend," his rout, the noble act of his friend Lucilius who personates Brutus as a prisoner, only to assure Antony that Brutus will not be taken alive;—and finally, Brutus resigned to the act of suicide as "a deed in fashion," his successive appeals for aid in the rash step, his generous declaration when all but Strato were about to flee and leave him, that he had found no man untrue to him, his death, Antony's last word for "the noblest Roman of them all," who not in envy of Caesar like the rest, but for the common good conspired, and that here was a man,—all these spectacles and words with those preceding the tragic climax seem to establish:

That the play, with history for its essential background, shows Julius Caesar's ambition to rule Rome was

his ambition to work out a higher good for the state of Rome; that it was not dangerous, but the need of the times fallen into disgrace which must be recouped by sane and saving policy, though under a virtual imperial reign, whose power however was no greater than that usurped by the rabble leaders who had preceded him; and therefore that his murderers committed a double crime which shall stand forth as such through all the ages.

That Brutus' ambition was born in him with the growth of the great conspiracy and as its chief instrument, being instilled by the arts of Cassius; that as firm friend of Caesar his fellows saw in him the possibilities of success in making the plan plausible on the high ground of country preferred to personal attachment, that this plea would save them all, for surely Brutus could not stand for country over Caesar if Caesar were not dangerous to the state. These thoughts engendered in Brutus found deeper root in him when the name of Brutus of old was played with to prove to him that only he, being a Brutus, could become the fit instrument of the higher good at stake. Thus was he nerved up to head the movement. But stoic that he was, and inspired as he was by the example of L. Junius Brutus, there was in his heart that misgiving which led him to think of danger for wrong committed; and that misgiving is revealed in the play and in the history. And his nobility and his inspiration for the public good do not, in presence of his doubt, atone for his wrong. Brutus' name is evoked in vain to prove the justness of killing a would-be king for fear he will become one. Opinions will differ as to how far Brutus dead for the killing can justify.

That Cassius was the original and natural conspirator against Caesar, and his ambition was based upon envy of and cynicism towards Caesar as one grown beyond

his deserts and who would if not removed by force overtop his, Cassius', desire to hold power above Caesar. His purposes were furthered by the Senatorial party at large, who co-operated with him, actively or passively, in this dire scheme. He also stood for the time being for all the disappointed odds and ends of previous administrations and campaigns, and had at his back most of the abandoned element which in Rome cared only for to-day and what the stomach and eyes longed for. He was feared by Caesar as was no other man in Rome, and himself feared Antony as he hated Caesar. He coolly calculated that with the name and antecedents of Brutus to the front, reinforced by the other names prominent in the conspiracy, he could effect the taking off of both Caesar and Antony with impunity. Relatively and essentially he was a coward, as he was most fearful of detection in the emergency. His ambition was ably seconded by his judgment, notably in his insistence in including Antony with Caesar as a victim. His name is forever associated with ingratitude and base treachery.

That Antony's ambition was to play for power with the materials at hand. Open-hearted and generous, having no high aims of principle or policy, he had cast his lot with Caesar, while abandoning himself to the corruptions of the age. He tempts Caesar to accept a crown, knowing that the success of such a step must inure to his own benefit; while his attachment to Caesar was no doubt sincere. His supposed desire to see the murder justified, as brought out in the play, seems not to be so fully accentuated by the history. Any Consul in his place might well have tried for terms with the conspirators. He was the mover of the measures by which general amnesty was pronounced by the Senate after Caesar's death, and by which all the public acts of Caesar as Dictator were recognized as law. The effect of this

was to continue him among others in power. His aim, however, in his oration over Caesar was to drive out the conspirators, however closely that aim was veiled in words; and his upholding of the cause of Octavius as Caesar's successor furthered ambition and was justified on high grounds.

The ambitions of the lesser lights in the play are either accessory to the above, or explainable on grounds of private pique, disappointment, shifting policy, or revenge as incidents of the age of Caesar. It might be added, that the sidelight thrown upon Cicero in the play shows him to have been cautiously evasive in giving meaning to the omens mentioned by Casca, that Casca might be misinterpreting them; and that Cicero seemed anxious to learn whether Caesar would go to the Capitol on the fatal day. His well-known ambition was to pose as the exalted saviour of his country; and after Caesar's death he extolled the conspirators, and was for general amnesty.

INDIVIDUALISM*.

The idea suggested by this subject leads the mind far back into formative stages of society, only to return to the present to wonder what is the relation of the individual to that whole which is the social state, and how far individual action has contributed, in the sense of individualism, to what has been and what is, in the premises. From such sweeping glance the mental process expands into an inquisitive study of the question, what is individualism, and what does it mean to the person himself or herself, and to society, or the state. Then arises the further question, to what extent is that system referred to individualism for its casual development. Finally, is individualism, as it characterizes social evolution, the most correct principle under which individual benefits, absolute and relative, may be secured and enlarged, in the process of civilization.

The program for this evening seems to suggest that this subject may be treated as a principle of force, as distinguished from another and perhaps more theoretical system known as socialism†. As indicating that there is no inclination or intent to trespass upon the domain of that department of the subject in its broadest aspect, it may be here remarked that socialism will be mentioned in this paper only so far as what is deemed a

*Read before the Dickens Club, Pierre, S. Dak., January 31, 1898.

†A paper upon "Socialism" was read by Rev. William A. Lyman, another member of the Club, at the same meeting.

fair discussion of individualism necessarily involves such mention.

It would seem that to truly define individualism in the connection in which I have conceived it to be intended for consideration here, is to accomplish the greater part of the task allotted to me. But in attempting a definition, it is felt that there is absolutely no hope of escape from radical criticism; as I feel free to declare, without assuming thereby to possess any special insight into the subject, that what individualism is in this general connection, is and will continue to be matter of divergence of view, and resultant difference of opinion..

By individualism I understand is meant, that characteristic of civil society which secures to individuals the right, and charges them with the responsibility, of exercising their faculties as far as may be consistent with the rights of others, and of orderly government, in the pursuits of life and the development of the social system in promoting civilization.

I shall not go into a study of the various theories of the foundations of organized society, which have engrossed the thought of political theorists, ecclesiastics, and economists, from before the age of the Greek sophists down to the present time, and which have, or have been claimed to have characterized revolutions and other modifications of government from the beginning of history; none of which are yet entirely beyond the field of active or speculative controversy. It would no doubt be highly interesting, and no less instructive, to know, if it could be known here and now, whether the social order in the state has its foundations in the Divine Authorship of all things, or in the so-called social compact; or whether, according to a scheme of speculation less theoretical, it is an organism, a growth, accounted for solely through the sequence of actual organic events,

whose secondary evidence is history, and whose guiding star is the lesson of history. At the risk of being charged with jumping at conclusions without pretending to fortify them, I will, however, in passing along, observe that the latter view appears to be gaining converts; that the compact theory is being discarded as a solution of the origin of social order, though insisted upon as an after-growth, reflecting intelligent mankind as perceiving more and more, as the grand social community developed, the necessity of an agreement which subordinated the trespassing spirit of individual freedom to that freedom of the whole, and of each member, without which social order itself, with a forward and upward aspect, was impossible; while, whatever may be said of theocracy, the presence at every constituent assembly of man, formal or informal, of the Diety, in the joint capacity of participant, guardian, and leader, is attested in some degree by proofs which, though not universal among theorists, are overwhelming in aggregate force, to say nothing of that innate consciousness which is present in all save the athiest, and which sees God in the foundations of everything.

Neither do I regard it as necessary for the purpose of this discussion, that these basic points should be exhaustively studied, in order to reach a more or less intelligent understanding of individualism, in its practical application to the world of to-day.

To narrow this broad question down to what perhaps is nearer the scope of this program as conceived by its framers: What is the effect of individual influence, positive and negative, upon individual welfare, and upon society considered in the large sense of the state under the administration of its delegated organ, government. And how is that individualism which I have attempted to define suited to the process of growth of

civilization, and the promotion of equal justice between man and man; and, incidentally, as compared with that system of state-organization which proposes, as I understand it does, to constitute the state itself a sort of industro-moral proprietor, upon the theory of securing to the individual, through direct state interference with or control of individual action, a more perfect equality of compensations for industrial and moral effort in the great struggle for bread, and that higher struggle in which the want of bread acts as a stimulant. However, it does not seem that socialism is so universal in its application to the wants and aims of society as is individualism, as its advocacy centers essentially around industrialism and kindred questions.

If one may not pursue and work out, within the lines above prescribed and explained, his own fortune, it would appear to be because such degree of liberty of action will eventually result in the acquisition by him of a greater share of the fruits of individual effort than is good for him, consistent with the good of the entire community, or in failure to acquire such share thereof as secures him against privation, in the competitions of life. If he acquires more, it seems fair to assume that it is because of superior aptitude for the work in hand, in connection with the favor of circumstance—one or both. If less, because of inferior equipment of faculties for the work, with or without attendant misfortune. The consciousness of possession of this right of free action quickens ambition and lends hope to industry, enabling the possessor to more readily surmount obstacles in the pathway to success. And to the stronger actors, whose eagerness and growing covetousness cause them to encroach upon the less favored as the struggle proceeds, come the larger compensations; while to the weaker, realizing by degrees the odds with which they are contending in the

competitive race for the goal of prosperity, falls the lot of that larger class to whom, in time, in spite of the right to win a better fate, come discouragement, failure, penury, despair. Misfortune may come to the former but not to dismay him; it may prove a spur to that energy without which the high mark ultimately reached would not have been attained; while to the latter it too often proves a means of easy acceleration of the downward movement, speaking relatively. As the process goes on, the vast interests which inevitably accumulate in the hands of the stronger and more fortunate come insensibly but more and more certainly under the protecting care of the constituted authorities. The natural tendencies of the governing classes which everywhere and always (except in revolutionary periods) tend to conserve vested interests, form in time a bulwark from behind which wealth and its privileges and political power may with impunity frown down upon the poor, the weak, and the castaways whom, according to the dictum of some critics, such a system makes possible. Such, in brief and general outline, seem to be the views commonly presented, either as comment or criticism, concerning individualism in those relations more closely assembled around industrial life.

In the broader field of general endeavor individualism, exercising this same freedom at pleasure, pursues the objective nearest the heart of the subject, making it more nearly an ideal as deep conviction and inspiration engross the spirit, and as duty offers sacrifice on the altar of truth—or perverts these opportunities to the end of base sensuality, the ambition of tyranny bordering on crime, or degeneration into positive criminality; according as the inclination, or a generic wilfulness which defies inclination, working upon native individual parts, shall dictate.

What grand monuments have been reared along the highways of the past, to the memory of genius in government, liberty, science, art, and literature, the gift of individualism in the play of this freedom. What dark spectres lurk within the precincts of time, what miseries, voiced and therefore known, or unknown because voiceless, what mad careers of wrong and of blood, stand charged against it because of abuse of that freedom! Not all that has been accomplished under this system, credited to individual greatness, is good; not all imputed to baseness is bad. Does the grand total, good with bad, prove individualism a success, or otherwise, in the procession of the ages towards the ultimate end of human happiness and permanent liberty, as to the individual and to the state?

The actual conditions under which society has advanced and is still advancing, are such as render it impossible to prove, or disprove, what strictly individual action has done or can do for one's self or society. In predicating this, I do not abandon the premise that the individual is a member, and part of the community, nor that his action is affected by all of those accessories which society, in any general state of manifestation, furnishes.

But government, or the state behind it, has stepped in and remedied some invasions as between man and man. It has not hesitated at times to interfere on behalf of the individual, or the general good, or both, upon the theory of a high plane of ethics, professing to lift up humanity to enjoyment of substantial benefits supposed to be beyond realization through individual effort; or to induce in man a contemplation of a more exalted ideal of citizenship and duty. Modern instances of this are found in municipal or state control of franchises, and even ownership and operation of what would otherwise be such; the curtailment or abolition of monopolies; the anti-trust

laws ; the compulsory educational system ; and direct state education in the higher stages. To the extent to which the idea of state-socialism has been realized in the operations of society and government, in the past, the test of what individualism, pure and simple, has actually accomplished in the social economy, is therefore largely speculative.

But, notwithstanding all these modifying considerations, the unit man, or woman, as a factor in the onward movement of civilization, is a substantially free agent, in point of incentive to action, and the responsibilities resulting therefrom, as regards the active citizen, and as concerns vagrancy and allied qualities among the thriftless. Can the state interfere—or, if you will, approach the citizen upon a mission of rescue—and, assuming generalship over the army of humanity, and impressing into its service the inevitable stragglers, make of human activity a better average, or of distribution of benefits more equal justice, than is now realized? Will the sum of human happiness be thereby increased? The answer to these questions involves, specifically, the theory of state socialism, a department of this dual subject not within the immediate province of this paper. Therefore I will only say of socialism, in pointing out some essential elements in the springs of individual action, that that remedy, when sought to be applied in the reforms carried on in its name, has in so many instances taken on the unmistakable form and spirit of individualism, that it seems certain that the latter accounts for actual results in the organization of socialistic movements ; that individualism is so often the means to the end of socialism, that a more perfect state of individual action is the very objective of the socialistic impulse, in seeking a remedy for the ills of which its devotees complain.

Looking to conclusions upon the subject, let me

ask: What is the innate motive power of human action? If it is not a longing, born of love of mankind and of responsibility to God, to better one's self and, through individual effort inspired by those attributes, to improve one's fellows and the community over which personal influence may extend, and to assist in preservation and expansion of the social system under which the freedom to do these things is recognized,—then have I failed to discover the real springs of that activity. If these are, roughly speaking, the motives and purposes of the great majority, then, in solving the problem of material welfare in its grosser aspects, the inevitable competition of fellow-men possessing the same freedom, but some of whom have, through misfortune or natural inferiority, become unable to pursue these ultimate objectives, would seem to require, not curtailment of individual action, but rather the freest exercise of it consistent with preservation of the prevailing social system itself, under government. Justice to the weaker members would demand it, not only as a direct weapon in their own hands, but indirectly through its exercise on their behalf by the stronger. For it is a mistake to suppose that the rank and file of citizenship in a free state are interested in the permanent deprivation of benefits which are essential, to the lowly or the unfortunate.

Individualism has through all recorded time freely, gladly made large sacrifices in the name of the general good. Some of its noblest efforts have been made possible only through a sort of desperate devotion wrought up in the soul by personal disaster. In this highest of all its manifestations its only thought of compensation has come in realizing that suffering fellowship has been relieved and in anticipating the "well done" of the beneficiaries and the sympathizing public.

No system which man can devise will eliminate the

inequalities inherent among the members of the human family; at most they can be merely modified. Any view, therefore, which imputes failure or radical imperfection to the system which encourages individualism, because of failure of individual effort among those at the bottom of the scale of intelligence and morals, seems fairly subject to scrutiny. But individualism is to-day performing great things in rescuing, not merely the unfortunate and the erring, but the contingent who by reason of natural incapacity bring up the rear in the great social army. I seek not to disparage the vast work going on under the banner of socialism, properly understood. It has a mission to perform, and is nobly performing it. But it is probable that this may well be said of the enemy against which it is apparently contending,—that many of its regiments and some of its brigades entire are but imagination's forms; and that it may be added concerning individualism that, whatever view may be taken of the active principle of socialism, its cause cannot succeed without aid through the mighty arm of individual devotion and action.

The grand effort of mankind in organized society has from the beginning been to broaden the scope of individual freedom. This is because man chafes under those restrictions necessarily imposed for protection of society. He yearns for more liberty, that he may act with greater effect. In the last analysis of his aspirations for a free field of performance, his conception knows no trammels but those growing out of responsibility to his Maker. Therefore the burden of the state is constantly to secure to him, through its guaranty under government, all of individualism consistent with enjoyment of like freedom by his fellow-man.

MUSIC*.

Music has been the handmaid of civic and religious growth in all ages and conditions of mankind. From the mythical times when the rocks and the animal kingdom were moved by its genius, to the latest results of the oratorios of the modern period, the hopes and fears, the joys and despairs, and the consolations which religious faith and devotion have brought from the depths of persecution—all have found voice in that song which ever expresses emotion and which leads, directly or indirectly, to higher flights of inspiration and higher levels of morals. There is no tragedy of life so appalling that the narration of it in the language of music is not a tremendous power for good; no occasion so delightful that its celebration in song is not a higher ascension into the realm of blissfulness. It is the voice of the soul speaking through the vista of the supernatural—a vista opened only at the behest of emotion awakened by divine truth. This fact renders the church a special medium, while it casts upon it the special responsibility of making music what it ought to be in church work. No reinforcement which the minister can have equals that of a competent choristry. No minister's work is or can be complete without it. No way of bringing men to see and act the right is at all comparable to the wonderful power of Christian preaching assisted by intelligent and inspired

*From remarks made by the author in introducing Dr. Horace W. Tilden, pastor of the Baptist Church of Pierre, who delivered an impressive address upon the subject "The Philosophy of Music", May 26, 1905.

music. Without the preaching such music will reclaim souls from error ; with it there is nothing in the world of the miraculous in the regeneration of men that is impossible.

YOSEMITE VALLEY

Standing in front of the north wall of the lovely and awe-inspiring Yosemite Valley in the Sierras of California—yet part of that wall—is the towering rock known as El Capitan (the Captain), which rises upon its own base three thousand three hundred feet above the floor of the Valley. Almost directly opposite this rock on the southern edge of the Yosemite is the famed and surpassingly beautiful ribbon of water known as Bridal Veil Falls. It is seen that the valley extends east and west. A view of the Valley when snow-bound is given on the opposite page—the camera being set at or near what is known as Artist's Point and headed a little north of due east. Only the upper half of El Capitan is seen in this picture—in the left foreground—while Bridal Veil Falls shows at the right.

In 1902 the author was riding out of the Valley on one of the stages running over the Merced route, driven by a genial, bewhiskered and matter-of-fact New-Englander known as "Bert" Sleeper; who related to the eager passenger an account of a phenomenal cloudburst which had occurred above the head of El Capitan some years before in the month of September. This storm, he asserted, had come up very suddenly about the middle of the afternoon and while he was riding along the so-called Wawona Road on the high plateau on the southern side of the Valley, westward towards Raymond, California; and the downpour seemed to him a veritable deluge. More suddenly than it had gathered the storm ended, and immediately and while the rush of waters



Looking east: El Capitan in left foreground; Bridal Veil Falls in right foreground; the three peaks rising behind the Falls—the farthest one out of sight behind the treetop, Three Graces; beyond that group is the great rock plateau, Glacier Point (opposite which, north of the Valley, but out of sight, are Eagle Peak and Yosemite Falls); beyond said Point is the half-dome rock, South Dome; and in the farthest center background to left of South Dome is the vast sloping rock, Cloud's Rest—the finest view-point in the Valley.

from the head of the rock down the wild and apparently endless plunge to its base was yet going on, the clouds separated and the sun shown upon the scene in full effulgence. The narrator professed to give but a faint idea of the reality as it appeared to him, an observer from so fortunate a point of view.

Impressions made by that narrative upon the author's mind led him into some reflections, some hint of which is given in the following lines. The word "Yohemite" (pronounced Yo-hem-i-ty) is used, since one of the oldest and most responsible guides in the Valley was authority for the statement that the word was so pronounced by the Indians native of the locality. The word is said to mean "A Great Black Bear"—such was the abrupt and overpowering impression of the great gorge when its vastness was impressed upon the imagination of the Aborigines.

The Bridal Veil Falls should not be confounded with the Yosemite Falls—the latter being on the north side of the Valley and something like a mile east of El Capitan.

PRIDE HUMILIATED.

El Capitan looked down on the Fair Veil
With a disdainful eye.

Ages he had stood sovereign of the dale
Of wild Yohemite.

In course of time disdain to envy grew
In the great Chieftain's heart.

For beauty in the waterfall so drew
The ideal lover's dart

That the huge rock, whose hoary head aloft
Near four times higher rose
Than the deep Falls could span, felt that he oft
Was slighted in his pose.

" 'Tis an ill wind" in which your spirit dwells"
Said Cliff to the Bride's Veil.

"That wind shall blow: When it the sequel tells
'Twill be a fairy tale"

The magic Falls replied. Now gathered round
The head of Capitan
Dense clouds of mighty mass, with fearful sound
Of wind leading the van.

Down in a torrent plunged the floods of heaven
From out the darkened sky,
Full on the Monarch's grisly top are driven,
There to be spent and die.

(*The Indian name of the Bridal Veil Falls is Po-ho-no,
meaning "Spirit of the Evil Wind.")

Now breaks the sun upon a dazzling scene.
 Oh, Muse of Fairy Lights,
And Depths, and Colors of the rainbow sheen,
 Hasten to tell of sights
To mortal vision and assembled walls
 Revealed from Capitan!
There rushed from off his crest into the halls
 Of that immortal glen,
Sheer down for three and thirty hundred feet
 To valley's face below,
The loosened waters in continuous sheet
 Pure as the crystal snow.
Resplendent in the bath of brightened day,
 In myriad prisms decked,
A double fold arising as the spray
 Thrown from the waters checked—
Here was such bridal veil as man nor earth
 Had never known before.
Yet were the awe and turmoil of its birth
 No sign of love in store.
The Valley Chief exulted—then he plead,
 His jealousy to slay:
“Fairy, dissolve this screen that drapes my head,
 ’Tis woman’s majesty.”

June, 1903.

THE THREE CANONS*.

The Yellowstone Park is a wonder-land composed of two chief elements forming that entrancing field of the tourist's quest—the individual units which surprise and enchant, and their variety; crowning which in the majesty of beauty enhanced by vivid color is the Canon. The Yosemite is vast and awe-inspiring because of her precipitous walls which impress the beholder by their very abruptness and the fact that one tremendous flank of the Valley is set off squarely against the opposite barrier; and because of her many and amazingly high waterfalls. In the Grand Canon of Arizona the Colorado with her faraway murmur coming from the depth of ages is to the beholder the head of a universe. One is not struck with wonder. Distances are so mighty that the dumbness of comprehension will not register feelings of awe. One knows that here is the acme of all time in the travail of a river through barriers to the sea. Wonderful tinting of air-spaces contrasts with somber or brighter handiwork of Nature in wall-painting. It is all a mystery—it is all a simple tale of nature—both impressions are present and without friction or confusion. One feels that the word “grand” is but a respectful libel. Endless aeons of time's handiwork through rushing waters, processes of erosion and the conceit of the Artist Nature, seen in turrets most beautiful, points majestic, walls on walls receding, and lateral gorges innumerable—all in *en-*

*From notes by the author made at Williams, Ariz., after visiting the Grand Canon of the Colorado River, sixty-three miles north.

semble defying the feeble criticism of man—making one at peace with the Author of the Universe and to say, as he descends into and emerges from the tremendous yawning chasm, on Bright Angel Trail: All is well.

SPRING.

The sense that wakes the soul to welling joy.
Tempts it inconstant; vexes with retreats
And vanishments—cheers with returning smiles.
Her substance it inhales and feels new-born.
The welcomers so smother her with praise,
Lionize her as the blonde vernal belle,
Woo her as the sum of all loveliness,
Hoiden her with bold pleasantry and jest,
The wonder is she keeps so true her poise,
Seems not disturbed, and never yields her heart.

April 4, 1898.

SELF-CONTROL—CONCENTRATION*.

Scholars, self-control means, first, to govern one's thoughts and feelings when something is happening that tends to disturb the mind or ruffle the temper; second, it means to be able to act according to your good sense and judgment in the midst of these disturbing influences; and third, it means that because you have mastered yourself you are able to fix your mind upon what you are about to do and give it your best thoughts and efforts.

This means that he who is the best master of himself is certain to do the best in what he undertakes, in the long run.

But, scholars, it means more than this. It means that no matter how apt you are in learning and in understanding the things you are called upon to do—no matter if you are bright and apply yourself in study, yet, if when you come to act you easily lose your poise, your temper, your self-control, what you learn and understand may all be thrown away when the moment for action comes.

How many times have grown-up men and women failed to do well what they were capable of doing if under self-control, by getting confused and then upset—"rattled", as it is sometimes roughly called—by what some person said or did, or by some circumstance arising which put them out of balance. Then the comment is: He would have done well enough, but he lost his head, he lacked self-control.

Now, there is a difference between getting confused

*Remarks addressed to the students of Pierre High School, February 25, 1908.

and losing one's temper. One may become confused through failing to see clearly the subject in hand, even though the feelings are not seriously disturbed. But too often we find that just because something happens which confuses the mind when we are getting ready to act, we are apt to lose our poise, our self-control, and then we sometimes make the mistake of losing our temper and making a bad mess of it, when had we have instantly struggled to control the temper we would have overcome that inward weakness which is too easily awakened, too pettish, too frivolous and which should not be allowed to assert itself and make us fail where we ought to succeed.

But all this explanation and attempt to point out what self-control is and the bad effect of losing it, still leaves us to consider the real purpose of these remarks. How can we learn to govern ourselves so as to be our own masters when something we did not look for confronts us to confuse the mind or annoy the feelings? Why, just look within yourself instantly, and resolve that you won't get muddled. Resolve to master yourself, no matter what comes up. And when once you have determined to conquer your task by conquering yourself the battle is more than half won, I care not what the difficulty may be.

Years after the Civil War was ended and the government had been so heavily pressed by the enormous expenses of that great struggle that gold and silver went out of circulation because the government could not supply it in making payments and had to use paper money, the question finally came up: When will the country have specie payments again, when can we resume specie payments? One of the great statesmen of that day came forward with this proposal: The way to resumption is *to resume*. And the government did resolve to begin

to actually pay out coin, and lo, specie payments were again in vogue.

Down in Sioux City the other day, when the Missouri River Navigation Congress was organized, one of the most earnest resolutions passed to show how this great river can be again used on a large scale for navigation was this: The way to navigation is *to navigate*. And the river is going to be navigated again.

And so, the way to self-control is *to control yourself*. But the resolve must be followed up by studying your own mental make-up and your own emotional nature. Learn just how your temper begins to get the best of you, keep watching it so that you will understand just how it operates. Then say, No, I won't have it act that way, I'll put a stop to that. See by watching yourself how utterly weak you are to lose your poise—how silly to lose your temper. Just as soon as you find you are keeping your mind on that point, you have won the battle over self—you will be under self-control.

If we practice self-control there is nothing within the bounds of reason that we can not accomplish. It means that we have at hand the highest uses of the mind, because we can center the thought upon the subject in the midst of confusing influences—can give the whole mind to it. All that any one can fairly be expected to do is that much which his whole attention, given to the subject, brings about.

The great discoverers, the great sea-captains, the great generals, the great statesmen—the great in all fields of human action are those who, amid the distracting noises and influences around them can calmly, patiently and manfully keep the mind centered upon the duty of the moment. All the triumphs of the past have been made greater and more effective through self-control. All the promise which the future holds out to the scholars

of to-day will be brighter, nobler, and more precious to yourselves and to those who follow after you if what you do is guided and strengthened by self-control.

PIERRE HIGH SCHOOL GRADUATES*.

To the Graduates of Pierre High School:

In presenting, on behalf of the Board of Education of Pierre, the usual certificates evidencing your completion of a course of study in the Pierre High School, it may not be inappropriate to make some observations upon so prominent a landmark in your lives.

That you have each made the most of the opportunities afforded by this institution is undoubted. That you have duly appreciated what a free high school is as a privilege to the aspiring student and to the state whose citizenship you in part represent is likewise undoubted.

The associations which you have formed while pursuing your studies in the High School, will no doubt be treasured up in memory by each and all of you. They may form the basis of more enduring associations of the future. They may become somewhat dimmed in the distance as time brings you into new and perhaps unexpected relations of earnest life-work. But they have helped to form in each of you certain set characteristics which will distinguish your respective lives for all time.

The people of Pierre and the Board of Education join in declaring that these associations have been pleasing to them, and in congratulating you all upon your successful career of school study.

Now you are about to enter the great world-school. It has in it much of possibility, but it is the common lot of

*Remarks of the author, as a member of the Board of Education of Pierre, to the High School graduates, June 5, 1903,

all its pupils to encounter the unknown in circumstance and environment. But no matter how great its disappointments, or how curious its blessings, never will its lessons prove that education is not an aid to success, a consolation in infirmity, and a philosophy in the daily pursuit.

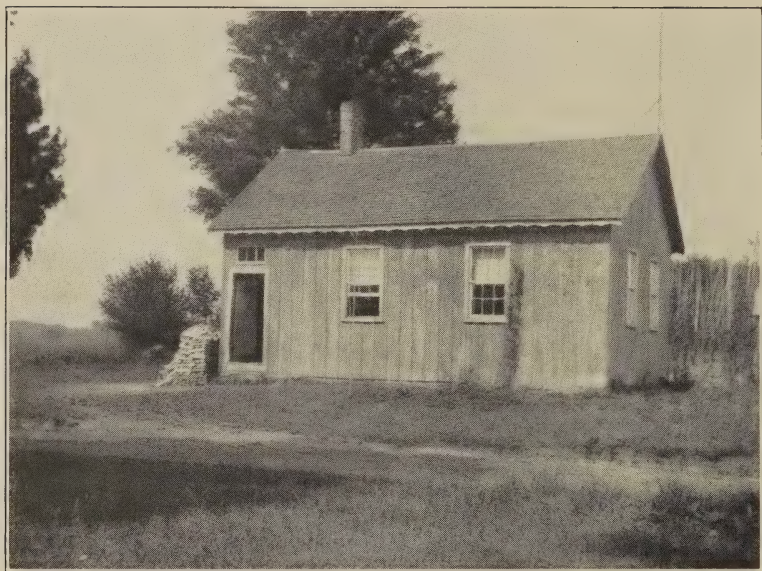
And what is success? To do well what is parceled out to be done. And who is arbiter as to what is to be done? Not the individual unaided. "There's a divinity that shapes our ends, roughhew them how we may." You are instruments in the hands of Providence. You may be called upon in active life to meet obstacles whose very seeming is that of misfortune. But if you shall have met them while laboring according to your bent and your abilities, depend upon it they are the obstacles of Providence cast in your way to test your higher abilities, and they will surely prove a blessing in disguise, somehow, sometime.

However, the fact that there are in each of you some leading characteristics is warrant for the assertion that, within the limits of disposition and choice, you will select the field of endeavor for yourselves. It is possible that the first selection may not be the right one. For to know one's self is said to be the highest wisdom. But to be able to realize that one's self is better fitted for some other work than that first chosen is a decided advance—it may prove to be the lucky "find" in the rich mine of intellect.

When the choice is made, put your whole soul into the work! This strenuous age requires it, the spirit of the age decrees it. These teeming times are the outgrowth of energized education.

And if you would win the laurels which energy tempered by judgment and made unerring by education has brought to aspirants in all the past, consecrate your lives

to right action, in whatever field your lot may be cast. There is nothing like an approving conscience as the result of a day's work, and nothing but right doing can insure conscientiousness.



Photograph of the schoolhouse near the old home of the author, where he attended school in his boyhood; on the West Hill of Kirkland Township, Oneida County, N. Y., in the extreme northwestern outskirts of the Catskills.

THE COUNTRY SCHOOLHOUSE

The largest institution having to do with American character and achievement. The beginning of the aspiration of the country youth.

The dear but timid dream of childhood; the hopes and fears in the heart that yearns for the bigger things of manhood; the joys and disappointments that come with the hard lesson well or poorly learned; the possibilities of earnest effort and bold front in the first attempt to "speak a piece"; the fear and respect born of the hard yet kindly rule of law and order through reward and punishment; the exultation of the "Bunker Hill" fight on the high snowdrift; the reproach that springs in the lion heart that has been buffeted by the overgrown bully; the delight springing from the charm of the companion on the other side of the seat-partition; the longing for the respite that comes with the outing in the wood where the high swing dallies in the wind; the boisterous chaos that marks the best effort at base-ball; the imagination that transforms the tiny frozen brooklet into an ample skating pond; the mad ride on the wagon endboard (a hand-sled is not "in it" with this!) that soars the spirit on the wings of the wind down the icy incline; the sad tidings that tell the death of a dear school-mate; the echo of the "well done" that registers success to the dull but striving scholar; the many-sided views that gauge the likes and dislikes, credit or discredit of children for the "school teacher"—all these and many another phase of the light and shadow of the young student-life in the country arise in fond memory at the sight or the mention of the old school-house at the four-corners!

More springs from it to temper manhood and keep it to the pole-star of life's destiny—more reverts back to it as the span of life lengthens, than centers around any other land-mark of the earthly journey—save only the home of one's youth.

And it means as much to country's destiny as to individual lives that have been molded by its matchless influence and inspired by its uses and its memories. It is the fortress that flanks the country home as the bulwark of American character. It is the keystone in the arch of American civil liberty. For the brawn, the manhood, the whetted mental appetite of the young blood of the country school will be in our nation's future what they have been through the ages in country's emergency—the saving element amid the political and social wrecks of time.

If the people of the United States were to become so recreant to their bounden duty as to permit this precious, this sacred, this indispensable institution to fall from its high estate, no calamity that has ever befallen our country could compare to such as that would be. But the call to save it is on to-day—for it is indeed suffering in reputation and efficiency even now, at the threshold of the nation's career. Yet the love of the people for it and for what it has been in the wonderful process of laying the foundations of our government and our social fabric is awakening to the sense of imperative duty in the premises. The disease that calls for a remedy is the fitful rush from the country to the great city hot-house in quest of—God save the mark—greater happiness in sight-seeing and in moving with the congested multitude! The remedy is—make country life more attractive on the social and civic side, through resort to those arts which beautify and which appeal to the innate longing of the heart for the companionship of community and

for the means of social betterment. When these reinforcements come to supplement the pure free air and the native independence of the country trait, the reaction that will incidentally restore the country school to its own will surely be realized.

ARABELLA, PRINCESS OF COSMOOR*.

Among the hills and valleys, on the mountain chains and over the shining seas to the uttermost ends of Co-smoor the Princess Arabella swayed with golden wand the nations in the ages whose beginning was lost in tradition and whose ending never came.

The seasons were all one to Arabella. Storm and sunshine alike were her instruments of sovereignty, and her people were again and again entranced by the mystery which made them subjects. When loyalty was put to the test by seeming estrangement of the sovereign, murmurs went up to the throne from many who knew not that the Princess, whose place in power was fixed and immovable, believed that to please the multitude, which was her heart's desire, was the condition upon which alone her reign could be perpetuated. So many were her provinces and so diverse the inhabitants that her messages of state were sometimes oracles which not even the wise men could interpret. The signs of disapproval caused by this occasional lapse of understanding might end in protest. Insurrection had been known to follow. Crises had at remote intervals revealed the head of rebellion. And at widely separated periods action and reaction had brought extremes when not Arabella but Chaos was de facto ruler. Chastisement was visited upon the supposed shortcomings of the Princess, who had really passed through the agony of woe because she believed her dependencies had revolted from lack of sym-

*Read before the Dickens Club, Pierre, S. Dak., April 21, 1902.

pathy with her ministrations in their behalf. When the reconciliation came there was rejoicing, for the bonds between the fair Princess and her people were so strong that occasional trouble only served to emphasize their real character; and there was never a pretender to the throne even in the darkest hour of internal strife.

The installation of Arabella in authority over the realm of Cosmoor at the beginning of those ages was, as to the fact itself, all but buried in oblivion; yet the event was preserved in tradition, and was kept alive in point of evidence through constant recognition by the people of her essential dominion over them. No issue ever arose which denied to the Princess this superior status. The disturbances which have been referred to came solely from the belief that royalty was not paying its dues to the commons. But tradition itself told enough of detail concerning the crowning of Arabella to point to a great occasion upon which every quarter of the kingdom sent deputations to do her homage. Music earthly and seraphic announced adoration which implied that the Princess was of divine origin. With one voice and without formal ceremony the universal concourse hailed and recognized Arabella as Princess of Cosmoor forever.

There were holidays and feast-days in those ages when renewal of fealty and celebration of the joys of its obligations were the pleasure of the people and undying proof of the stability and endless duration of the state, and of Arabella as its head. These land-marks were sometimes connected with the close of a historic and unseemly disturbance between the sovereign and one or more of the subdivisions of her domains. Again, a national or local calamity whose cause was shrouded in mystery and doubt was the theme. But the greater number of those commemorative days were significant in expression of deepest affection for Arabella for her good-

ness and her lovable character. Whatever the season or the occasion, the one purpose of the festive assembly was to extol the virtues and confirm the dominion of the Princess. Both calamity and prosperity were in the outcome regarded as tokens of her majesty, and if the former could be directly attributed to her the fact was highest evidence of the qualities which made her adorable.

Once upon a time in those ages Arabella appeared in state before her people, who had come to witness one of her many acts of government as a return for the fealty which they bore to her. She sang to them of the worthy, the gracious and the beautiful. As she sang angelic voices, ever in the unknown background, were heard to render even sweeter her own. But they were never awakened to song until the inspiration stirred by the strains of the immortal Princess summoned them to join with her. Those sweeping mellow harmonies opened to the vision of the people the portals of heaven. The assisting choristry grew to an assembly of the celestial. The vast audience of listeners was enchanted by the rhapsody which, because its reinforcements were unseen, was so much more a charm whose spell was irresistible. Suddenly appeared from the invisible beyond, and at the right hand of the Princess, the renowned composer Psycupas, who with his baton assumed leadership of the choir, whose prima-donna was Arabella.

Now the wonderful rhythmic murmuring, swaying and tossing of the symphony crept upon the ears of the people, who were transfixed by what was here revealed to the soul. The master-stroke of genius in Psycupas was executed in the deeper tones of his great composition "Out of the Highest", when he raised aloft his symbol of leadership, then softly brought it down with measured emphasis to evoke the marvelous one voice of

all—for now the people responded to the universal impulse and became identified with the chorus above.

In that instant, to the Princess' salutation: "Hail, my People!" there was answered: "Thy dominion we acknowledge with joy."

Then, as Arabella rendered the opening strains of her formal part, so penetrating and pure that the soul was thrilled and elevated to the faculty of worship, the band of the invisible touched so sweetly upon those strains that the harmonies of the celestial whole melted the senses into the glow of affection. When the first measure ended in a lingering note which gently smote the inmost chords of the popular heart, the assembly around the throne of the Princess took up the response in adoration and applause in epic numbers which passed through the ranges of pleasure, devotion and valorous sacrifice.

Listen to the play of the joyous emotions:

Arabella and the Angels:

"Oh flight of Time that knows no haste or end,
March on to triumph over all the ills
To which the state in its eternal trend
May subject be, from the resounding hills
And vales to far-off isles and ocean deep.
But think not, Time, to overcome the charm
Which is our heart's delight to spread and keep
In loyal breast to fend the state from harm."

The People in Assembly:

"In fair prosperity,
Or calamity's dark hour,
In civil rout,

Or sweet repose,
'Mid blinding doubt
Of thee we chose
To rule, we ne'er deny
Fealty to sovereign power."

Arabella:

"How fares the federated league?
Are wind and weather mild and good?
The people happy, free from plague?
And do the harvests promise food?"

Chiefs of the People:

"The states and provinces thy vast domain
Are all reposing in destiny's arms,
Full is the flower of faith in bloom again
Since the refreshing rain bespoke thy charms."

"Arabella:

"Are all strifes suspended,
Jealous angers ended,
And is love ascended
To its wonted mate?
Why was e'er suspected
That your queen elected
Would not see protected
Every wall of state?"

All the People:

"The voice of rivalry is hushed in sleep,
We bear to fount of life affection deep.
The sovereign light had flickered from our view
When doubt inspired demand of royal due."

Arabella:

'My deep concerns of state
Bear me anon in seeming from your sight.
But fortune is the fate
That to my suitors borne is my delight."

The People in Devotion:

"In deadliest combat with the foe
Is sovereign tie the dearest.
When all but lost in doubt or woe
Conceit of thee is clearest."

Arabella:

"In desolate pathless fields of life
Your warfare for my glory
Sinks into naught the vulgar strife
Of tyrant brutes in story."

The Sacrificial People:

"For paltry fame or captain dominant
Ten thousand once expire in battle-cry.
To save thy throne from danger imminent
We know ten thousand deaths, yet long to die."

Then was witnessed the tribute of the revenues to the treasury of the Princess.

The heart of the subject multitude, too full for further expression in word or song, found mute interpretation in the laying of tribute at the feet of Arabella. In a flood-tide of inspiration were bestowed all the treasures of those ages, bounty of the lands, trophies of valorous conflict, countless gems from mine and ocean, and the more refined wealth of mental achievement bound in

massive and ornamental parchment—all reflecting the worth and gratitude of the endless following which time immemorial had treasured up in homage of the Princess of Cosmoor.

Most graciously the golden wand, symbol of the Princess' authority, was held forth by her above the heads of her worshipers, while with gaze now by degrees lifted up to heaven she whispered to the unseen and the unknown. Softly there came forth audible sound—it was the first note of the last refrain which was to tell how dearly were joined together Arabella and her people. The voice was that of the super-human. The vibrations which awakened to it in the hearts below were the tenderest that ever speak of fondness and its delights. They knew it was the Princess who faintly sang, but she was first heard by the angels, to whom she appeared to be appealing for witness of her true devotion and consecration to her subjects. From above and beyond her came the sign of confidence and approbation; for a host of mingled voices answered, at first even fainter than that of Arabella, but with a vastness which seemed to announce the authority of the celestial abodes. Psycupas, whose mastery in gesture had led the symphony, now added his voice to those already tuned, and became interpreter in a new and higher role.

Arabella now assumed the attitude of benediction in dismissal of the great congregation of the people of Cosmoor. Instinctively they understood that the celebration was being declared ended. She still saw the seraphic concourse and held them as by a spell under the sway of her personality. As the ineffable strains of the choral union grew stronger to speed the departing inhabitants homeward in joy, the voice of Psycupas dominated the whole and gave the united expression such character of sweetness that long years did not suffice to

still the sensations thus stirred in the souls of the receding multitude. Onward to their homes went the rejoicing citizens; more and more softly and sweetly were wafted after them those melodious airs, until it seemed that now so far away the chanting was nearer still. Over the hills and down into lovely vales they proceeded. Some crossed over seas to continents in remoter climes of Cosmoor; others tarried in the moonlight under bowers and amid nature's symposium of trees and shrubs. But never were the devoted subjects of the Princess in lands so far distant from the scene of the late assembly that some trace of those farewell greetings was not heard. There were those among the returning people who felt the presence of Arabella though they were a thousand leagues from where she lingered and sent out her messages edited by the angels and construed by Psycupas. Others saw her very form and presence in vision while riding the surging sea-waves or passing through the wilderness. Memory of her physical presence was quickened by the second sight of longing affection. And when she finally dismissed her interpreter and the angels disappeared with the last echo of intelligent signal between her and her people, she yet lived in their presence, watched over them, and it was universally believed that she would throughout countless ages to come hold undisputed sway in all the realm of Cosmoor.

"RIVERS OF THE FAITHS."*

When notified by the management that something concerning waterways would be expected of me on this occasion, I wondered whether the immersion tank had sprung a-leak and it was expected to resort to the Missouri river for replenishment—or what was the matter.

For at first it struck me as somewhat odd that those of the Baptists who were responsible for this program should think that waterways had anything to do with this anniversary or that this church had anything to do with waterways. It was not so difficult to see how, in case that theme were regarded as germane in this presence, a waterways crank such as he who now addresses you should have been thought of in this connection.

But, symbolically at least, the churches are all in analogy to our continental waterways. They navigate upon the waters of faith. They have their charts and their pilots. Each has its particular course of progress laid out as its charter right and as the means of reaching the haven of destination by the safest route and with the maximum of comforts for the passengers—who constitute as well the freight in the broad realm of commerce pertaining to the soul.

And whether or not the Baptist Company, Incorporated, has any particular monopoly of the channel course on the Rivers of the Faiths because, mayhap, it requires more water to make manifest its conversions, not to say

*Author's response to the sentiment expressed in this title, made upon the occasion of a banquet in commemoration of the twenty-fifth anniversary of the Baptist Church of Pierre, December 2, 1909.

the navigation of its craft, than some other concerns spiritual, I am not competent to judge, since the sum total of my marine experience consists in standing safely upon the bank and seeking to agitate, not the waters but the question whether they are worth navigating.

While it is true that for a generation or more our internal waterways, although navigable in fact, have lain dormant until the good people of this land had come to regard them as of little utility, and our country's strident march towards the goal of material wealth has reached a climax in land transportation accompanied by a minimum of use of the rivers of the continent; it may not be amiss to suggest whether, in the growth of moral instability which has to some extent characterized the struggle for wealth and power in recent years the rivers of faith have fallen off in the tonnage of burdens which, under the pilotage and captaincy of the church, they should bear in the commerce of rectitude and the trade of protecting as well as converting souls. With the suggestion, which does not imply a charge of shortcomings in the premises, I leave this phase of the similes, and will revert to an obvious truism concerning the use of both the material waterways and those of religious conviction, and which, as regards our navigable rivers, has found expression in the slogan: The way to navigation is to navigate.

This is as true of operations in church life as of commerce by water in the material world. For what church, Baptist or otherwise, whose followers have been found doing the work of the Good Shepherd from season to season has not thereby found itself master of the problem of church navigation upon the river of faith? What motive power has such force in any church as the faith of works? What manner of craft plying the waters of religious inspiration is so seaworthy and so

competent to the business in hand as that whose wheels are kept in motion by the membership, and whose spiritual pilot, the pastor, through his daily experience, keeps his vessel in the main channel because he knows where are the sandbars and how to avoid the invisible snags.

It is no recent discovery that the Rivers of the Faiths are both navigable and worthy of exploitation by the children of men. But the hitherto mystery of the geographical poles—not yet entirely cleared as to that one beneath the polestar—that mystery is thrown into the shade, so to speak, by the unfathomed and impenetrable secret of the antiquity of formal religious faiths. The remote localities of those waterways in the universe of religion are unknown. No engineer has ever meandered them, no official of the polity has ever filed a report of their beginnings or whether their courses were sinuous or direct, their floodings frequent or disastrous. But while mankind has been groping in doubt as to the age in which those threading waters began to run, the character of the watersheds from which they flow and the magnitude of the commerce floating upon their bosoms from immemorial time are fixed in the spiritual concept. For the springs whose gushings mark their birth are indeed in the Delectable Mountains, and their navigable courses have teemed with the vessels of peaceful trade and competition in religious growth, while ever and anon the grim warships of theology and schism have disturbed or rent asunder the spiritual domain, only to find it reunited in militant progress with the passage of time. Overriding all the controversies of theology and philosophy, and emerging from them is the dawning belief that pagan gods, exalted out of men by men's worship, were yet subordinate in the mythological creeds to the One Great Cause, the God of Nations, the King of Kings.

The Rivers of the Faiths, like those of our country, flow onward ever toward the principal waterways and finally fall into the wide ocean of eternity in the ultimate empire of the celestial. And as our high seas give up, under the solar heat the vapors which, caught in the clouds and wafted on the wings of the wind into the interior of continents, are there again precipitated against the mountains, thus ever giving new life to the rills which lengthen and widen into rivers that return to replenish the ocean, so from the expanse of the Most High is distilled by the warmth of divine love that ineffable essence which, descending upon the Mountains of Life, furnishes at once the inspiration of religious faith and the means of transporting the pilgrim on his voyage of life-work to the life beyond.

If these illustrations speak to the point sought to be made, then, friends of the Baptist congregation, it seems inevitable that all the faiths of all the churches in and out of Christendom will in time unite in one grand expression of fealty to and love of the Father of All. While that time is perhaps remote, the tendencies of the present age fortell its coming in signs that cannot be misread. The all but universal spirit of toleration and liberality extant among the churches testifies to this end. The marvelous and manifold agencies through which faiths and peoples of every clime and country are brought into contact are breaking down the barriers of doctrine while tending to reconcile the alleged atheist and the pantheist; and the bigots of the opposite poles of belief. If this be so, then indeed is such the Divine plan, for all the movements of the faiths are guided by that Providence which dispenses all.

Then let us imagine a descent of the River of Faith by the congregation on board the Baptist bark, for a restful excursion. The day of religious inspiration is

bright and the hearts that beat to the tune of the spirit are glad. The passengers sing the anthem of the faith, led by an excellent choristry. One by one are passed the tributaries of the "Big Muddy" of the theological streams of the continent of the isms, until even that great waterway finds itself identified with the Father of Waters of all the beliefs of Christendom. One by one as the hours float into the past other church craft are seen proceeding likewise toward the same destination. Beyond are assembling, by slow but certain stages these diverse barks, and now they make an informal fleet flying variant colors, all indicative of one sovereign empire. Lo, ahead, down by the sea there looms upon the vision a wonderful ship of state, whose ample decks will contain all who approach in the fleet, whose keel will navigate the Deep Waterway of the universal faith out into the haven of spiritual rest, the destination of all souls. By universal consent the boats of the fleet are depopulated and the decks of the great ocean liner are peopled by the exchange. The compound electric engines of Faith, Hope and Charity revolve, the ringing of the celestial bell and the low, triumphant thunder of the composite signal announce the departure from hence to the Abodes of the Blessed. And the congregation of the Christian world sing: All is Well.

Those of us who have lived in Pierre since the Baptist Church of this city was organized five and twenty years ago, even though strangers to her membership, have known many happy hours, listened to many beautiful and inspiring sermons and formed many ties of friendship within the precincts of the two structures which have witnessed the struggles and growth of the organization. Great things has she achieved in the laying of foundations. The present headship of her pastorate is most fortunate and all-worthy; Dr. Tilden and his

estimable companion hold a place in her history and labors which is unique and will not be forgotten. The future of this church is propitious. She is safely on the way to spiritual empire in the Capital by the great river whose endless rollings onward to the sea seem to say to her creed and those of all the churches: Learn, ye navigators on the Rivers of the Faiths, from my example. that all growth is in motion. The "rest for the weary" is in commerce on the waterways leading to the great warehouse in the Capital City of the skies.

HAMLET: SANE OR INSANE?*

Hamlet, sane, reveals man and his destiny, and reflections thereon, under stress of filial love thwarted by the perversion and degradation of a mother and the murder of a father, the contemplation of which crimes, operating upon a sensitive son not worldly-wise, drove him to forget the loss of a kingship to himself, to forego the pursuit of his lady-love and all else in life, and to contemplate in his agony of spirit the alternative of ending sorrow in death or of avenging wrong.

Hamlet, insane, is an incoherent and unmeaning agency under circumstances furnishing abundant warrant for rational reflection and action as a means to an end. The delusion of sane reasoning, so to speak, has been indulged in in attempting to show that because Hamlet, supposedly insane, could have exhibited the mighty flashes of intellect which appear in the heavens of this stormy tragedy, and because he verbally admitted that he was mad, therefore his character in the play is that of a madman. Eminent physicians and psychologists have seen just such exhibitions in language and action as are displayed by Hamlet, in many an insane asylum, feigning being one of the familiar incidents; therefore the setting of a character, with no thought of justifying, by the sequel in the play, what he says or does, is overlooked, and a technical diagnosis is substituted for a moral study in the effort to disprove the theory of his sanity.

Hamlet was stunned by disclosures which appealed

*Read before the Dickens Club, Pierre, S. Dak., March 24, 1904.

directly to the superstitious in him, and which would have moved to desperation the strongest character. But a study of the character makes it plain that his will was strong, his poise under most harrowing circumstances remarkable, his philosophy sound and impressive, his plans consistent and pursued with steady aim. Whether he was right or wrong in his "Frailty, thy name is woman," or his "To be or not to be," or in the "To a nunnery go", these are but the phases of soul-moving feeling in presence of circumstances which have affected similarly thousands before and will move other thousands not suspected of insanity.

The more general arguments used to show Hamlet insane seem to center upon the scene of the soliloquy and of Ophelia immediately following. But who has successfully attacked the reasoning upon nobility in the soliloquy? Who denies that thoughts of the future life make all sane men halt and consider seriously before taking this life from another or one's self? This is one of the most sublime passages in the language, and no less sane than sublime.

Ophelia he had loved as only a Hamlet could love woman. But the engrossments which were harrowing up his soul with thoughts of revenge for his father's most foul murder and the sinful estrangement of his very dear mother—perfectly natural feelings in a sane mind in the age of Hamlet—had caused him to resolve to forget Ophelia and all else save the score of revenge. His was a nature so profound and so sensitive that to be confronted, as he was by the return of his love-missives by Ophelia, in the midst of his grinding troubles which had just now sounded his mind and feeling to the very core—sick of humanity in view of them and of the responsibility upon him of setting aright the times which were "out of joint"—turned his *acting* into another and overwhelming tide

of thought and feeling; and he admits to her his many frailties and declares that sin in monstrous form is in himself; generalizes from himself into the broad field of mankind "crawling between heaven and earth", and boldly tells her she is safer in a nunnery than as the wife of one of these. The lesson, toned down from the extreme picture drawn by Hamlet is, however, obvious.

Hamlet's feigning is for a purpose so plain that it seems strange that so much controversy has arisen over this phase of the character. If he "shall think meet to put an antic on" let not his friend Horatio seem to suspect the ruse. He knew that his pent-up soul was manifested in strange seeming; that his guilty step-father must not know that he had seen the ghost, though his seeming, which would be known to him, was accentuated by that apparition. He wished to bring about overt proof to the public of the guilt of the murderer. If, being all but distracted and indifferent as to masking his real feelings, he could *put on* the appearance of a really insane man in presence of the kingly family and that of the king's counsellor, he could thus more readily carry out his plan of proving the crime, since thus equipped with the semblance of madness, he might see and hear in quarters which would be barred against Hamlet curious, and sane.

And he succeeds admirably. The King and Polonius think him mad, or at least that he may be and probably is such. His access to the court is such that Rosencrantz and Guildenstern are sent to watch him as one gone mad in love, and he tells them so and why the king and his wife think so, but that they are deceived;—and he feigns again when Polonius appears. Then, when the players come, Hamlet sees his opportunity of playing, through them, upon his uncle's guilty conscience by representing a scene of murder of like character to that

done by Claudius upon his kingly brother, thus to make him confess his guilt. And while he talks intelligently to the players in polonius' presence the latter, a "tedious old fool," does not discriminate. In the next act the king and queen plan to secretly observe Hamlet to discover if his madness be or not from love of Ophelia; and while it does not appear that Hamlet knew they were within earshot during the soliloquy and the Ophelia scene, the king is certain that Hamlet's language and actions flow not from love, and furthermore, that he is not mad at all, or that what he said "was not like madness" "though it lacked form a little." Then and there he who was most interested in seeking out the truth as to Hamlet's real condition finds "something in his soul, o'er which his melancholy sits on brood"—the very key to Hamlet's self. In the next scene, after laying down that rule for acting which is perfection in Shakespeare's conceit, and after enjoining Horatio to closely observe Claudius while the murder scene is enacted, he relapses into the role of feigning in presence of the royal family, saying: "I must be idle."

And when the king was put out of countenance by the scene thus contrived to entrap him, Hamlet, as would any one in his place be likely to be, is transported in a sort of ecstasy over the triumph of his scheme and the resultant revelation of the king's guilt. The burden under which he had been weighted being suddenly lifted, is it strange that he rushed to comedy under the reaction? But instantly upon the reappearance of Rosenkrantz and Guildenstern he talks ramblingly again when told that the king is distempered and that his mother is struck with amazement and admiration at his behavior; professes that he cannot make a "wholesome answer;" says he "lacks advancement" and to Guildenstern's inquiry for the secret of his disease, replies with "You can-

not play upon me";—all showing saneness in the background.

Alone again, he resolves to accuse his mother. And in the following scene he reasons with such insight and sense of justice of true revenge that he will not kill his uncle while in prayer and thus send him to heaven. It is deliberate judgment which here curbs his will when nothing else stands in the way of ending his uncle's life.

Still pursuing Hamlet into the next scene, he proposes to tell his mother of her guilt, and when he kills the "intruding fool" who from behind the curtain cries for help, and proceeds to wring his mother's heart by charging the king with murder of his brother and his mother with consorting with the criminal, it is fitting that the ghost appears to him again. The fact that his mother sees it not is no evidence of Hamlet's madness—three sane persons have already seen it even before it first appeared to Hamlet. He answers his mother's declaration that he is "cunning" by showing that his pulse keeps time and makes as healthful music as does her own. The theorists who as doctors complain that Hamlet's plea of sanity is not good when based upon rapidity of the pulse-beat seem to overlook the fact that he appeals not alone to the rate of beating, but to its "healthful music"—a symptom which would seem to be far more decisive than that of speed of pulsation. He then tells his mother that he is mad only "in craft", and by a form of speech gives her to understand that this should not be made known to the king. In the third scene of Act 4, what he says about the worm as emperor has such deep-lying truth at bottom that while it is evidently misunderstood by the king it shows for what it really is in the play. When sent to England for killing Polonius, to be there slaughtered, he very sanely contrives to turn his uncle's conspiracy to fatal ending for those who take

him thitherward, by forging new orders to the intent of their destruction, using his dead father's seal. Finding himself aboard a pirate vessel after a conflict in which he acts bravely, and being again set upon the soil of Denmark, he confides in his friend Horatio and sends message to the king of his "more strange return," thus indicating mystery. The graveyard scene shows him a philosopher such as none but Shakespeare has created. He here discourses to Horatio, the scene being supposedly one of relaxation from the tension of the play.

Then comes the scene at Ophelia's grave. That Hamlet, learning of her death and its cause, and finding her brother so stricken with grief that he jumps into the grave and insists upon being buried with her, should find his old love for her returning in a very passion of grief overtopping that of Laertes, is certainly not unnatural upon the theory of his sanity. It is not so clear that it would have been probable had he been insane. And when he declares that his love for Ophelia was more than that of forty thousand brothers, we have simply an exaggerated but entirely rational exclamation of real and despairingly deep sorrow.

No one contends that in the last scene in the play Hamlet was insane. He tells Horatio of his doings after leaving Denmark, and refers to the "divinity which shapes our ends". The plot to have him killed with a poisoned rapier, fashioned by Claudius, brings on the duel, where Hamlet craves Laertes' pardon for his action at the grave, protesting, it is true, that it was not Hamlet that so acted, but his madness; yet it seems clear that this was an explanation with which the world was then and is now familiar where rashness is being excused. After being struck with the deadly poison and having with Laertes' sword struck back to do death to his assailant, and this being made known to him by Laertes at death's

door, Hamlet, seeing in Claudius the arch conspirator of this tragedy now doubled by accident, thrusts home the rapier to the heart of that villian, doing only that summary justice which the times defended. He is still perfect governor of his will and judgment, in his advice to Horatio, beseeching him not to die but to live and make known to Denmark the whole truth concerning the real cause of the death of Hamlet's uncle, Hamlet's justification, the mystery of his father's death and Hamlet's desire that Fortinbras should succeed to the throne.

Upon what theory can it be justly imputed to the great playwright that these successive tragedies, all traceable directly or indirectly to the monster Claudius, are brought upon the stage to exhibit the insanity of Hamlet? Was he insane at the beginning, or does Shakespeare make him mad through the first thrusts of the sorrows which are rained upon him? Then all the scenes that follow make him a mere passive instrument to the end of retribution. No explanation of his connection with the events themselves can obviate this conclusion. Either Hamlet consciously acted the avenger or he was unconscious of his part as to cause and sequence in the play. This might be, and the author may have taught that sin brings retributive justice, through irrational instruments—the play of destiny. But upon this theory what becomes of what is plainly seen to be a coherent following of effect upon cause with a *conscious display* in the *acts* of Hamlet. This phase cannot be denied the play. It is there under any view of the facts and the factual elements therein. And what, upon that hypothesis, is the function of those deep, sublime and wholesome *observations* of Hamlet *relating to* his condition? Does Shakespeare intend to make Hamlet a puppet, while yet so connected with the *movement* in the play? Then all that Hamlet did and all that he said must be thrown to the

winds as a moral lesson. Nay, there is no teaching through Hamlet, in the play, the instrument balks the end in view. For all admit that Hamlet is an instrument. If an insane one, how considered as cause or effect in the workings of fate? Only by regarding all other elements but Hamlet as actors, he the helpless plaything of events. Does this conception of his personality satisfy any reader or observer of the play? Does this suppose him any *character* at all in the drama? It deprives him absolutely of the role of actor.

But if Shakespeare does not exhibit Hamlet as an actor then all interpretations of him that have ever been contrived for reader or for stage fall to the ground. Take from him this attribute and what would be left of Hamlet as everybody knows the immortal production. To do so is to deprive him who conceived this leading personage in the play of his laurels as creator of conscious reasoning from premise to conclusion, in an active agent under direst distress of soul, and of philosophic action in extremities. Shakespeare crowns the summit of human conception of greatness in Hamlet. What is there of this quality upon the theory of his insanity?

ERRATA:

Page 184, third line, for "1896" read "1900."

Page 314, insert asterisk after word "Waterways" in title.

Page 355, for "Reviews," in title-heading, read "Reveries."

Pages 184 to 195, page-headings should read "Initiative and Referendum."

Page 194, fourth line from bottom, for "justifiable" read "justiciable."

Page 197, last line, for "obligarchy" read "oligarchy."

INDEX

A

- Abraham Lincoln—see "Lincoln—the Gettysburg Address," 251.
 Aguinaldo, his character, etc., 156.
 American Fur Company, charter and origin of, 78; British law affecting, 80; Astor's aspirations, 80; Columbia Fur Co., rivalry, union of, 81; Upper Missouri Outfit, 81; rivalry with Rocky Mountain Fur Co., 82; French Fur Co., opposition of, 82; Sublette & Campbell, opposition of, 83; sale of Northern Department, 83; Pratte, Chouteau & Co., 83; amalgamation of Rocky Mountain Fur Co., 83; Bridger, Vasquez, and Clement ("Claymore"), 84; Pierre Chouteau, Jr. & Co. as successor, 84; sale of to Northwestern Fur Co., 84; new opposition to, 84; purchases Union Fur Co., 84; and Fort Pierre, 75.
 American Government, is still amid primitive circumstances, 94; new conditions bring democracy's test, 95.
 Annual Register, 345.
 Antony, Mark, ambition of, 369; oration over Caesar, 365.
 Arabella, Princess of Cosmoor, 398.
 Aricara Indians, 61.
 Astor, John Jacob, expedition up Missouri river, 74; founder of Am. Fur Co., 78; retires from fur trade, 83.

B

- Ballot, corruption of, 209.
 Blockades, and England, 344; articles on, 352; Declaration of London on, 348; Declaration of Paris on, 347.
 Bossism, as related to self-government, 211; to party, 109.
 Bridal Veil Falls, 382.
 Brutus, and Caesar's death, 362; and ambition, 368.

C

- Caesar, Julius, ambition of play, 357, 367; and Roman Code, 360.
 Campaign, Political, of 1898, 118-146; of 1900, 147-183.
 Canons, the Three, 386.
 Capital Campaign of 1904, author's argument for Pierre, against Mitchell, S. D., 216; of Dak. Territory, 1889, 77.
 Cassius, his ambition, 368.
 Chouteau, Pierre, and the fur trade, 79, 81, 84.
 Citizenship, private, greatest responsibility, 94; sacrifice necessary to its ends, 96; standard of integrity lowered, 92; as related to party government, 103.
 Civil Code, of Dakota Territory, 76.
 Civil War and Federal Solidarity, author's address on, 271.
 Clergymen, our colonial, were statesmen, 59.
 Columbia Fur Company, rivalry of with Am. Fur Co., 80.
 Columbus, his discoveries, 34.
 Commerce, American, 339; and government, 342; international, and Missouri river, 307; the civilizer, 341.
 Concentration, 388.
 Consent of the Governed—author's address on, 205; the Declaration applied to new conditions, 205, 208; our island territories, 206; corruption of ballot, 209; mob violence, 210; demagoguery and self-seeking, 210; party mismanagement, bossism, 211; abuses of trusts, 212; self-government in territories, 213; freedom of speech and press, 214; self-discipline of citizen, necessary, 214; what times demand, 215.
 Constitution, federal, judiciary clauses in, 127; and self-government, 160; and federal judiciary, 125; and the flag, 150; and federal supreme court, 255.

- Corruption of Ballot, 209.
 Country Schoolhouse, the, 395.
 Crawford, Coe I., tribute to, 244-50.
 Cromwell, Oliver, his excesses of power, 198, 276.
 Cuba, war for freedom of, 122; American sovereignty over, 134, 142; end of Spanish dominion over, 56-7.
- D
- Dakota Territory, resources of heralded, 75; rivalry for capitals of, 77.
 Declaration of London, 348.
 Declaration of Paris, 347.
 Democracy, American, facing itself, 95; its perils, 95.
 Demagogue, in American government, 91-2; and imperialism, 210; in Rome, 18.
- E
- El Capitan, 384.
 England and Blockades, 344.
 Expansion, in Philippines, 165; party platforms on, 133; our national policy, 166.
- F
- Federation of Women's Clubs, author's welcome to, 232;
 Federal Judiciary, tenure of office, Populist platform, 124; its position in our federal system, 125; constitutional guaranties, through, 127; federal convention debates on, 127; as to appointing power, id; Hamilton and Bryce, views of, 131.
 Federal Supreme Court Guaranties and the People—author's legal brief on, 255.
 Forefathers, American, as statesmen, 59; reflected free government, 91.
 Fort Pierre, Old, headquarters of American Fur Co., 75.
 France, claims of, to South Dakota, 74.
- G
- Grand Army of the Republic, 203, 274, 282.
 Grand Canon of Arizona, 386.
 Gulf of Mexico, and commerce, 307, 310.
- H
- Hague Conference, 349.
 Hamlet: Sane or Insane? 412.
 Hanson County, Old Settlers' Picnic—author's address at, 86; county organization, 87; settlers' homes, and citizenship, 89; home and the virtues, 90; virtues practiced for their sake, 93; private citizenship greatest responsibility of government, 94; our government is in experimental stage, 94-5; promotion of truth, real end of man, 96.
 Harney, Gen., negotiates treaty at Fort Pierre, 75.
 Hawaii, annexation of, 134; events preceding, 137.
 High School Graduates, Pierre, remarks to, 392.
 Holy Alliance, 75; and Spanish-American republics, 57.
 Holy Roman Empire, 27.
 Home its virtues, relations to government, 89; depends on love and virtue, 90; its virtues, preservative of government, 93.
- I
- Indian Treaties, affecting South Dakota, 76.
 Individualism, 371; and socialism, 377.
 Inland Cities, and Waterways, 337.
 Initiative and Referendum—Populist platform, 176; "democracy," "republic," 177; S. D. amendment to constitution, 178; Republican declaration, 179; author's views concerning, 176; views of jurists and others, 187-194; views of courts, 194.
- J
- John Sutherland—see "The Sutherland Memorials," 227.
 "Julius Caesar"—Ambition of the Play, 357.
- L
- Lakes-to-Gulf Deep Waterways—author's views on, 315.
 La Verendrye, expedition of to Missouri river, 74.
 Lewis & Clark, expedition into Northwest, 74.
 Liberty, applause, versus devotion to, 92-3; and our forefathers, 90.
 Lincoln—The Gettysburg Address, 251; his death in cause of freedom, 202.
 Louisiana Purchase Exposition, what it represents, 98.
- M
- Magellen, his voyages, 39; discovers Ladrones and Philipines, 40.

- Mandan Indians, origin of, 64; supposed Welch origin of, 66.
- Memorial Day Address, 197; our civil war, 197; state rights, 199; victor at Appomattox, 199; campaigns of the war, 200; federal veterans, regard for, 201; Lincoln, 202; G. A. R., 203; lesson of civil war, 204.
- Merchants, inland, and navigation, 289.
- Missouri River Navigation, 287; river, in waterways system—map of, 292.
- Missouri River Strategy in International Commerce, 307; Panama Canal and Orient, 307; waterway competition, 309; future shipping trend southward, 310; sea-going draft, value of, 311; Mo. river, dominant factor, 312.
- Mob Law, and "consent of the governed," 210.
- Monroe Doctrine—as related to Philippines, 167.
- Music, 380.
- N
- Navigation, river and coast-wise, 287; upper Missouri, 294; and inland merchants, 325.
- Norway—see "Scandinavian Influence," etc., 236
- O
- Officer, gauged by virtues of constituency, 93.
- Old Fort Pierre, and Am. Fur Co., 75.
- Open Door, American Policy in Orient, 149.
- Oppression, and our forefathers, 58, 340.
- Orient, and navigation, 298, 301-3, 307-9, 311, 313.
- P
- Panama Canal, and navigation, 287, 315.
- Party Government, Relation of citizen to, 103; party defined, 103; necessity of, 104-5; how best promoted, 106-7; party promotion is patriotism, 107; political cowardice—bolting, 107, 115; political courage, real test, 108; party fealty most needed in extremities, 108; political selfishness, bossism, 109; perversion by self-seekers, 110, 112; oratory and demagoguery, relations of, 111-12; public sentiment versus public judgment, 111-12; party machinery for selfish ends, 112-13; indifference of voters, menace of, 114-15; people equal to any task, 114-15; sophistries of self-seekers, 115; responsibility is with voters, 116; vigilance at elections—ability and integrity of candidate, 116; official corruption reflects quality of rank and file, 117; official life not essential road to station, 117; eternal vigilance necessary, 117.
- People, and Federal Supreme Court Guaranties, 255.
- Philippine Islands, discovered by Magellan, 40; Legaspi sets up sovereignty over, 42; a dependency of Mexico, 51; end of Spanish sovereignty over, 58.
- Philippines, military occupation of, 143; the protocol, 143; annexation of, 144; ambition for empire, fatal to liberty, 145; military events of Spanish war, 151; Dewey's victory, 154; sovereignty over whole islands, true policy, 159; "consent of the governed," 160; president's power, 162; civil liberty guaranteed in territories, 162; no insurgent government there, 162; permanent retention of, not proposed, 163; protectorate over, what it means, 164; expansion over, 166; Monroe doctrine, 167.
- Pierre and Fort Pierre, and commerce, 293.
- Pierre High School Graduates, author's remarks to, 392.
- Political campaign of 1898—author's discussion of issues, 118-146; array of parties, 119; federal judiciary, assault against, 121; war for Cuban freedom, 122; Bryan's candidacy, 120; free silver heresy, 121; current issues greater than parties, 123; McKinley's leadership, 123; federal judiciary, Populist platform, 124; guaranties through judiciary, 125; judiciary clauses in federal constitution, 127; life-tenure of federal judiciary, 125; expansion-party declarations, 133; Cuba, 134, 142; Hawaii—

- annexation of, 135, 140-1;
 Spanish war—territorial ac-
 quisitions, 141; Philippines
 —military occupation of,
 143; the Protocol, 143; an-
 nexation of, largeness of
 question, 144; ambition for
 empire, 145; republican par-
 ty attitude, 146.
- Political Campaign of 1900—
 author's campaign address
 in, 147-183; the Orient—
 our national policy, 146, 168;
 open door policy, 149; con-
 stitution and flag, 150, 161;
 Cuba and Porto Rico, 149;
 capture of Manila—our re-
 sponsibilities, 151; Aguinal-
 do, his character and treach-
 ery, 156; our title to Philip-
 pines, 159; "consent of the
 governed," as to Philippines,
 157, 160; as to Porto Rico,
 169; Bryan's professions on
 Philippines, 161, 163; per-
 manent retention of, not
 proposed, 163, 167; protec-
 torate over Philippines, 163;
 expansion—our national de-
 velopment, 165; as to Philip-
 pines, 166; Monroe doctrine
 and Philippines, 167; our re-
 sponsibility to whole world,
 168; Porto Rico—Bryan's ap-
 peal to judiciary, 169; power
 of congress over territories,
 170; tariff and Porto Rico,
 171; trusts—party regulation
 of, 172; the Sherman act,
 173; ancient trade combina-
 tions, 174; to kill competi-
 tion, 175; initiative and ref-
 erendum—populist platform,
 176; democracy versus re-
 public, 178; the S. D. amend-
 ment, 178; republican atti-
 tude on, 179; initiative, etc.,
 its character, 180; responsi-
 bility weakened thereby,
 180; connivance of legisla-
 tors under, 182; implies sus-
 picion of public servants,
 183; author's note on initia-
 tive and referendum, 184.
- Porto Rico, her separation
 from Spain, 57; Bryan's ap-
 peal to judiciary concerning,
 169; and self-government,
 169.
- Power, lust of, in business and
 office, 92.
- Pride Humiliated, 384.
- Privateering, 347.
- "Progress and Prospects of
 Commercial America," 339.
- Protectorate—over Philippines
 what it means, 164.
- R
- Rates, freight—water compe-
 tition, 328.
- Reciprocity, 341.
- Ree Indians, 61.
- Religious Faiths, sources of
 408.
- River Navigation, 287; see
 Waterways, Navigation.
- "Rivers of the Faiths," 406.
- Rocky Mountain Fur Com-
 pany, 82; merged with Am.
 Fur Co., 84.
- Rome, 7-30; her laws, arts,
 7; seven hills, 9; the
 tribes, 11, 16; walls of,
 9-12; Italian races, 10;
 Tarquins, 12; temples, 12,
 13; Plebs, 12, 13; mythol-
 ogy of, 11; founded when,
 11; Comitia Centuriata, Tribu-
 ta, 12; Patricians, 12; Fo-
 rum, 9, 12; Pretors, 13; Fab-
 ian Gens, 14; Gauls, inva-
 sion of, 14; Decimviri, Tri-
 umviri, 14; Ten Tables, Tri-
 bunate, Censors, Questors,
 13, 14; Samnite wars, 15; war
 with Greeks, 15; triumph
 over Magna Grecia, 16; alli-
 ance with Carthage, 16;
 with Egypt, 16; Colonial sys-
 tem, 16; overcomes Carth-
 age, 16-19; Punic wars, 16-
 19; Syracuse, fall of, 17;
 Grecian art in, 17, 18; Hamil-
 car, Hannibal, 16-19; the
 Scipios, 17-8; Macedonian
 wars, 18; Roman literature,
 oratory, 18; Gracchi, strug-
 gles of, with, 19; Oligarchy,
 19; demagogues, 18-9; the
 judicial power, Social war,
 Civil wars, 20; Athens tak-
 en, 20; Sylla, Caesar, Pom-
 pey, 21; First triumvirate,
 22; Caesar's growing power,
 21-2; Second civil war, 23;
 flight of Consuls, Pompey's
 defeat, 23; Caesar in Egypt,
 Syria, Africa, dictator, 23;
 conspiracy to kill Caesar, 24;
 new triumvirate, its pro-
 scriptions, 24; Philippi, Ac-
 tium, Nero's tyranny, 24;
 the Colosseum, 25; Arch of
 Titus, Pantheon, Tomb of
 Augustus, Mausoleum of
 Hadrian, St. Peters, 25, 29;
 the great fire, 26; Palace of
 Caesars, Septizonium, 26;
 Christian churches succeed
 pagan temples, 26; incur-
 sions from north, 26; Char-
 lemagne and Western em-
 pire, 26; Constantinople

- and Eastern empire, 26;
Rome's spiritual sovereignty,
Holy Roman Empire, 27;
Popes versus emperors, 27;
Ghibellines and Guelphs, 27;
the Renaissance, 28; charm
of Rome's personality, 28,
29; the modern city, 28; her
ancient populations, 28; the
Basilica, Corso, 28-9; Papal
power, 29; Leonine City, 29;
her art treasures, 29; her
abiding jurisprudence, 29;
her institutions, 30.
- S
- Scandinavian Influence Upon
American Civil Liberty—au-
thor's address upon, 236.
Schoolhouse, country, 395.
Self-Control—Concentration,
388.
Sisterhood of Cities in Water-
ways Movement, 321.
Slavery, American, 277, 282.
Socialism, and individualism,
377.
South Dakota and Water-
ways, 333.
South Dakota, claims of sov-
ereignty over soil of, 76;
early settlements in, 76.
Spanish-American States, rec-
ognition of sovereignty of,
57; Monroe doctrine and, 57.
Spanish Possessions and Pol-
icy, 31; false pride of power,
32, 60; the Inquisition, 32,
50; new-world adventures,
33; Spanish officialism dom-
inant, 33, 60; bigoted tyran-
ny, 34; Columbus' discover-
ies, 33; colonization in West
Indies, 35; Florida, 35, 36;
DeSoto's discoveries, 35; dis-
coveries of Balboa, Pizarro,
Cordova, Cortez, 36; the Az-
tecs and Montezuma, 36-7;
conquest of Mexico, Central
America, Lower California,
37; Peru, 37-9; quarrels be-
tween Pizarros and Amal-
gro, 38; Spanish South Am-
erica, 39; Magellan's quest
of Moluccas, 39, 40; Bull of
Alexander, 39; Magellan dis-
covers Ladrones and Philip-
pines, 40; Moluccas reached,
41; discovery of Caroline Is-
lands and Pelews, 41; de-
pendencies of Philippine
General-Government, 42; Le-
gaspi conquers Philippines,
42; proclamation of sov-
ereignty, 43; Mussulman pir-
acy in Philippines, 43 sul-
tanate of Sulu, 44; British
North Borneo Company, 45;
Spanish victory over Sulu,
46; Moluccas held by Portu-
guese, 46; Canaries taken
from Portugal, 46; tempor-
ary sovereignty over Brazil,
46; Louisiana ceded to
Spain, transferred to France
47; non-interference with
Spain's acquisitions, 47;
Spain's laxity, 48; European
rivals appear, 48-9; weak
colonial policy, 49; mineral
wealth her aim, 50; Web-
ster on her colonial system,
51; Philippines a dependen-
cy of Mexico, 51-2; Philip-
pine judiciary a travesty,
friars virtual rulers, 52;
claims over Pacific, 52; rea-
sons for collapse of system,
53-4; loss of colonies, 54-7;
independence of Spanish-
American states, 57; Holy
Alliance's deterrent efforts,
57; Monroe Doctrine involv-
ed, 57; Cuba and Porto Rico,
58; Spain's vast possessions
reduced to zero, 58; other
island remnants, 58; Anglo-
Saxon genius, in compar-
ison, 58-9; our Forefathers
as statesmen, 59.
Spring, 387.
Success, 393.
Sully County, twentieth anni-
versary of, 71.
Sully Post, G. A. R., 282.
Sulu, sultanate of, 44.
Supreme Court of United
States—see "Federal Su-
preme Court Guaranties,"
etc., 255.
Sutherland Memorials, author's
presentation remarks, 227.
Sweden—see "Scandinavian In-
fluence," etc., 236.
- T
- Tariff, American, 340.
Terminal Facilities, and navi-
gation, 338.
Territories, our, as to self-
government, 212.
The Three Canons, 386.
Trading Posts, of Northwest--
see Am. Fur Co., 78.
Trusts, domination of, an ob-
stacle to self-government,
212; regulation of, 172.
Truth, for its own sake, 96.
- U
- Upper Missouri Outfit, as Am.
Fur Co., 81.
Upper Missouri River Naviga-
tion, 294.

W

Waterways—river navigation, 287; Missouri river in system, 293; upper Mo. navigation, 294; Mo. river in international commerce, 307; Lakes-to-Gulf Deep Waterways, 315; sisterhood of river cities, 321; inland mer-

chants, benefited by, 325; South Dakota and, 333.

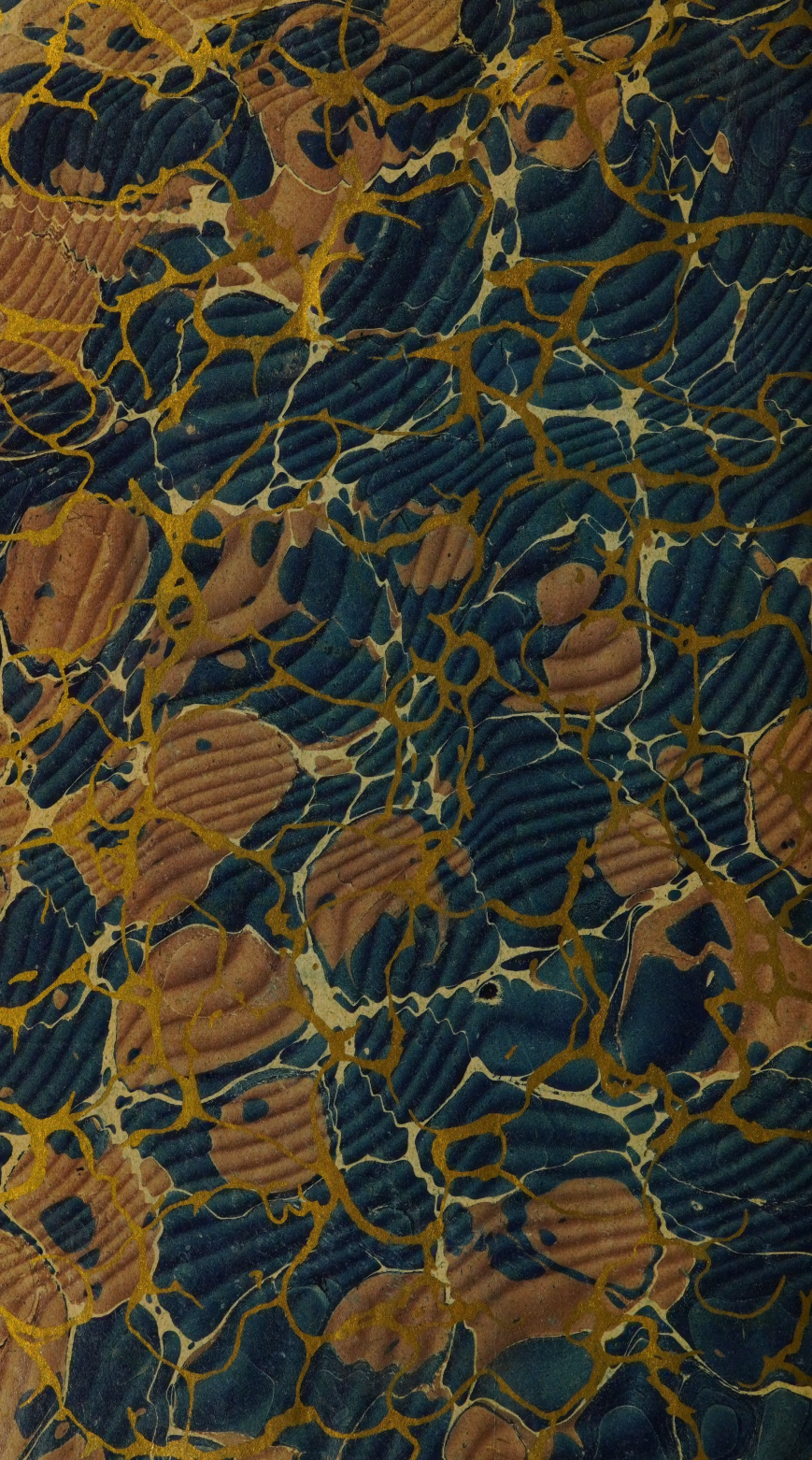
Wharfage, and navigation, 338.

Women's Influence, in society and state, 232.

Y

Yellowstone Canon, 386.

Yosemite Valley, 382, 386.



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